NEW MILFORD BOARD OF EDUCATION
New Milford Public Schools
25 Sunny Valley Road, Suite A
New Milford, Connecticut 06776

POLICY SUB-COMMITTEE
MEETING NOTICE

RECEIVED
TOWN CLERK
2026 NOV -2 A 9:31
NEW MILFORD, CT

DATE:	**November 4, 2026**
TIME:	**7:15 P.M.**
PLACE:	**Sarah Noble Intermediate School – Library Media Center**

AGENDA

New Milford Public Schools Mission Statement

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

1. Call to Order

2. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.

B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

A. Revised Policies for first Read

1. 4152.6 Family and Medical Leave Act
   4252.6

B. Revised Policies for Second Read

1. 4112.5 Employment and Student Teacher Background Checks
   4212.5
2. 4118.6 Policy Regarding Employee Use of the District's Computer Systems
   4218.6 and Electronic Communications
3. 5131 Student Discipline

C. Policy for Review

1. 5163: Transportation
2. Discussion and possible action regarding an attorney-client privileged communication about student transportation. Executive session anticipated.

4. Items of Information

A.	4118.6 R	Administrative Regulations Regarding Use of the District's Computer Systems
	4218.6 R	and Electronic Communications
B.	4147.1 R	Administrative Regulations Regarding Occupational Safety and Health
	4247.1 R	(Bloodborne Pathogens)
C.	5131 R	Administrative Regulations Regarding Student Discipline
D.	5141.221 R	Administrative Regulations Regarding Immunizations
E.	5141.3R	Administrative Regulations Regarding Health Assessments/Screenings and Oral Health Assessments

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6. Adjourn

Sub-Committee Members: Tammy McInerney, Chairperson
Sarah Herring
Leslie Sarich
Joseph Failla

Alternates: Wendy Faulenbach
Eric Hansell

Note: In 2025, state law was revised to expand Connecticut Family and Medical Leave Act ("CT FMLA") coverage to employees working for boards of education in positions that do not require professional certification under Chapter 166 of the Connecticut General Statutes ("noncertified employees"). This policy has been revised to clarify that the term "noncertified employee" – as used in the policy – is relevant solely to determining CT FMLA eligibility. Also clarified was the term "instructional employee" – as used in the policy – is relevant to determining whether special rules governing the administration of Federal FMLA leave may apply.

Series 4000
4152.6
Personnel
4252.6

FAMILY AND MEDICAL LEAVE

PURPOSE

The purpose of this policy is to apprise employees of their rights and establish guidelines for leaves taken by employees of the New Milford Board of Education (the "Board"), under the federal Family and Medical Leave Act of 1993 ("Federal FMLA") and/or the Connecticut Family and Medical Leave Act ("CT FMLA") and applicable Connecticut state law. This policy is not intended to, and does not, recite every provision of applicable law and regulations.

ELIGIBILITY

An employee who has been employed by the Board for at least twelve (12) months, and who has worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, is eligible for unpaid leave under the Federal FMLA. A full-time instructional employee meets the 1,250 hours of service requirement unless the Board can demonstrate that such employee did not meet the 1,250 hours of service requirement in the 12-month period prior to the start of leave.

An employee working for the Board in a position that does not require a professional certification under Chapter 166 of the Connecticut General Statutes (*i.e.,* a "noncertified employee") is eligible for unpaid leave under the CT FMLA if such employee has been employed by the Board for at least three (3) months in the twelve (12) months immediately preceding the start of such leave.

DEFINITIONS

Genetic information: For purposes of this policy, "genetic information" includes an individual's family medical history, an individual's or family member's genetic tests, and/or the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research which includes

genetic services. “Genetic information” includes genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member utilizing assistive reproductive technology.

Instructional employee: For purposes of this policy, an “instructional employee” is defined as a teacher or other employee of the Board who is employed principally in an instructional capacity and whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees. If an employee is an instructional employee, special rules governing the administration of Federal FMLA leave may apply.

Noncertified employee: For purposes of this policy, “noncertified employee” means an employee employed by the Board in a position that does not require a professional certification under Chapter 166 of the Connecticut General Statutes. This noncertified employee designation is relevant solely to CT FMLA eligibility and does not affect an employee’s rights or obligations under the Federal FMLA.

REASONS FOR LEAVE

(a) Federal FMLA

Leaves under the Federal FMLA may be taken for the following reasons:

incapacity due to pregnancy, prenatal medical care, or child birth;
to care for the employee’s newborn child;
the placement of a child with the employee by adoption or for foster care;
to care for the employee’s spouse, child, or parent who has a serious health condition;
to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee’s position;
to care for a covered injured or ill servicemember (see below – Length of Leave – for further information); or
to address a qualifying exigency arising out of an employee’s spouse, child, or parent’s military service, including one or more of the following reasons (note – more detailed information on the following categories is available from ~~the~~ Human Resources office:

short-notice deployment;
military events and related activities;
childcare and school activities;
financial and legal arrangements;
counseling;

rest and recuperation;
post-deployment activities;
parental care leave for military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty; and/or
additional activities that arise out of the active duty or call to active duty status of a covered military member, provided that the Board and the employee agree that such leave qualifies as an exigency, and agree to both the timing and the duration of such leave.

(b) CT FMLA

Leaves under the CT FMLA may be taken for the following reasons:

upon the birth of the employee's newborn child, and to care for the newborn child;
upon the placement of a child with the employee for adoption or foster care, and to care for the newly placed child;
to care for the employee's family member, if such family member has a serious health condition;
because of the employee's own serious health condition, including any period of incapacity due to pregnancy or for prenatal care, that renders the employee unable to perform the functions of the employee's position;
in order to serve as an organ or bone marrow donor;
to care for an injured or ill servicemember who is the employee's spouse, parent, child or next of kin (see below – Length of Leave – for further information); or
to address a qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces.

For purposes of determining whether an employee has a qualifying reason for leave under the CT FMLA, "family member" is defined as a spouse, sibling, child, grandparent, grandchild or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.

LENGTH OF LEAVE

(a) Basic FMLA Leave Entitlement

(1) Leaves under the Federal FMLA: If a leave is requested for a Federal FMLA-qualifying reason, an employee may take up to a total of twelve (12) weeks unpaid family or medical leave in the 12-month entitlement period.

(2) Leaves under CT FMLA: If a leave is requested for a CT FMLA-qualifying reason, an eligible employee may take up to a total of twelve (12) weeks unpaid family or medical leave in the 12-month entitlement period, except that the employee may take up to two (2) additional workweeks of leave during such twelve (12)-month period for a serious health condition resulting in incapacitation that occurs during pregnancy. These additional two (2) weeks are only available during pregnancy.

The 12-month entitlement period for family or medical leave is measured on the basis ~~of~~ a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

An employee may be entitled to leave under the Federal FMLA and/or CT FMLA. To the extent an employee is eligible for and qualifies for leave under both laws, the employee's Federal FMLA and CT FMLA leave will run concurrently.

(b) Leave to Care for an Injured or Ill Servicemember

In addition to the reasons for leave listed above, an eligible employee may take up to twenty-six (26) workweeks of Federal FMLA and/or CT FMLA leave during a 12-month period to care for a covered servicemember and/or covered veteran who is the employee's spouse, parent, child or next of kin, and who incurred a serious injury or illness in the line of duty and while on active duty in the Armed Forces or had a preexisting injury or illness prior to beginning active duty that was aggravated by service in the line of duty in the Armed Forces.

When combined with any other type of Federal FMLA or CT FMLA-qualifying leave, total leave time may not exceed twenty-six (26) weeks in a single twelve (12) month period. Standard leave procedures described below apply to all requests for and designation of leave for this purpose. *However*, in the case of leave to care for a servicemember with a serious injury or illness, the 12-month period begins on the day such leave actually commences.

TYPES OF LEAVE AND CONDITIONS

(a) Full-Time, Intermittent and Reduced Schedule Leave

Full-time leave excuses the employee from work for a continuous period of time. Full-time unpaid leave may be taken for any of the reasons permitted by the Federal FMLA and/or CT FMLA.

Intermittent leave means leave taken due to a single qualifying reason in separate periods of time rather than for one continuous period of time. Examples of intermittent leave include: leave taken one day per week over a period of a few months or leave taken on an occasional/as-needed basis for medical appointments.

Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

Intermittent or reduced schedule Federal FMLA and/or CT FMLA leave may be taken (a) when medically necessary for an employee's or covered family member's serious health condition, or for a covered servicemember's serious illness or injury, and (b) the need for leave can be best accommodated through an intermittent or reduced schedule leave. In addition, Federal FMLA and/or CT FMLA leave may be taken intermittently or on a reduced schedule basis (1) due to a qualifying exigency, or (2) to effectuate the placement of a child for adoption or foster care before the placement of the child in the home.

If foreseeable intermittent or reduced schedule leave is medically required based upon planned medical treatment of the employee or a covered family member or a covered servicemember, including during a period of recovery from an employee's or covered family member's serious health condition or a serious injury or illness of a covered servicemember, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested.

Under the Federal FMLA, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period), if the leave is to care for a covered family member with a serious health condition, to care for a covered servicemember with a serious injury or illness, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment. In such situations, the Board may require the instructional employee to transfer temporarily to another job or take leave for a particular duration, not to exceed the duration of the planned medical treatment.

(b) Both Spouses Working for the Same Employer

If both spouses are eligible employees of the Board and request Federal FMLA and/or CT FMLA leave for the birth, placement of a child by adoption or for foster care, or to care for a parent (or family member, for purposes of CT FMLA leave) with a serious health condition, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in the 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount the employee has taken individually and the 12 weeks for Federal and/or CT FMLA leave for other qualifying reasons in the 12-month entitlement period.

(c) Leave Taken by Instructional Employees Near the End of an Academic Term

If Federal FMLA leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, the Board may require that instructional employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the instructional employee would return to work during the three-week period before the end of the term.

If the instructional employee begins Federal FMLA leave during the five-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the instructional employee would return to work during the two-week period before the end of the term.

If the instructional employee begins Federal FMLA leave during the three-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

REQUESTS FOR LEAVE

(a) Foreseeable Leave

An employee must notify the Department of Human Resources of the need for a family or medical leave at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on the expected birth of the employee's child, placement of a child with the employee for adoption or foster care, planned medical treatment for the employee's or a covered family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days-notice is not practicable, then the employee must provide notice as soon as practicable under the circumstances, usually the same day or the next business day after the employee becomes aware of the need for Federal FMLA and/or CT FMLA leave.

(b) Unforeseeable Leave

When the employee's need for leave is not foreseeable, an employee must provide notice as practicable under the circumstances.

SCHEDULING PLANNED MEDICAL TREATMENT

When planning medical treatment for foreseeable Federal FMLA and/or CT FMLA leave, an employee must consult with the Department of Human Resources and make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations, subject to the approval of the health care provider. Similarly, if an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations. Ordinarily, the employee should consult with the Department of Human Resources prior to scheduling the treatment in order to work out a

treatment schedule that best suits the needs of the Board and the employee. The Board and the employee shall attempt to work out a schedule for leave that meets the employee's needs without unduly disrupting the Board's operations, subject to the approval of the health care provider as to any modification of the treatment schedule.

REQUIRED CERTIFICATIONS/DOCUMENTATION

For leaves taken for any Federal FMLA or CT FMLA-qualifying reason, an employee must submit completed certification form(s) supporting the need for leave. The appropriate form(s) will be provided to the employee. The employee must submit a complete and sufficient certification form(s) as required within fifteen (15) calendar days of receiving the request for the completed certification. If it is not practicable for the employee to provide the completed form by the due date despite the employee's diligent, good faith efforts, the employee must inform the Department of Human Resources of the reason(s) for delay and what efforts the employee undertook to obtain the required certification. Federal FMLA- and/or CT FMLA-protected leave may be delayed or denied, in accordance with applicable law, if the employee does not provide a complete and sufficient certification as required. Depending on the reason for leave, an employee may be required to submit medical certification from the employee's health care provider, medical certification ~~from~~ the employee's family member's health care provider, and/or other documentation (e.g., to establish a family relationship, military active duty orders, etc.). In certain circumstances and under certain conditions, employees may also be required to obtain second or third medical opinions and/or recertifications, in accordance with applicable law.

If an employee takes leave for the employee's own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work the employee must provide a medical fitness-for-duty certification that the employee is able to resume work and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification must be submitted to the Department of Human Resources. If the employee is unable to perform one or more of the essential functions of the employee's position, the Board will determine whether the employee is eligible for additional Federal FMLA and/or CT FMLA leave (if the eligible for such leave and such leave has not been exhausted) or whether an accommodation is appropriate, in accordance with the Americans with Disabilities Act.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by Title II of GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information.

~~Note:~~NOTE: The medical certification form should include the above language related to GINA.

USE OF PAID LEAVE

Paid leave, which has been accrued in accordance with applicable law, the relevant collective bargaining agreement (if any), and/or Board policy ("PTO") will be substituted for any unpaid portions of family or medical leave taken for any reason that is also a qualifying reason for using such accrued paid leave. In such instance, the employee's accrued paid leave and Federal FMLA and/or CT FMLA-qualifying leave will run concurrently. The employee must satisfy any procedural requirements applicable to the use of paid leave, but only in connection with the receipt of such payment. An employee who is approved for CT FMLA leave may retain up to two weeks of their accrued paid time off that would otherwise be required to run concurrently with CT FMLA leave.

Where a noncertified employee's accrued paid leave is not substituted for the entire period of unpaid leave for a qualifying reason under the CT FMLA and/or Connecticut law regarding leave for victims of family violence and sexual assault, the employee may apply for and be provided with compensation through the Paid Family and Medical Leave Insurance Program ("CT Paid Leave") for all or part of any unpaid leave, provided the employee qualifies for payments under the program. Noncertified employees may apply to the Connecticut Paid Medical and Family Leave Insurance Authority ("Authority') for partial income replacement benefits when they need leave for (1) any of the reasons that qualify for CT FMLA; and/or (2) if an employee is a victim of family violence or sexual assault, to seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim; to obtain services from a victim services organization on behalf of the victim; to relocate due to such family violence or sexual assault; or to participate in any civil or criminal proceeding related to or resulting from such family violence or sexual assault. Eligible employees shall apply directly to the Authority, which is responsible for determining an employee's eligibility for CT Paid Leave benefits and the amount of such benefit. The Board will provide the Authority with all requested information regarding an employee's application for CT Paid Leave, in accordance with applicable law.

~~[~~The Board shall require employees to use applicable PTO concurrently with their CT FMLA leave, subject to their right to retain up to two weeks of accrued PTO. If, after exhausting other applicable PTO, an employee does not wish to retain two weeks of accrued PTO while on approved CT FMLA leave, the Board shall permit the employee to receive these accrued PTO benefits concurrently with their CT Paid Leave benefits, if any, provided the total compensation of such covered employee during such period of leave shall not exceed such covered employee's regular rate of compensation.~~]~~

In addition, in cases involving absences due to a Workers' Compensation injury that also qualifies as an FMLA serious health condition, and if the employee (and the employee's collective bargaining agent, if applicable) and the Board agree to do so, the Board will apply the employee's available accrued paid

leave in increments as a supplement to the Workers' Compensation weekly benefit in an appropriate amount so that the employee can maintain the employee's regular weekly income level.

MEDICAL INSURANCE AND OTHER BENEFITS

During family or medical leaves approved in accordance with the Federal FMLA, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid Federal FMLA. The employee must continue to pay the employee's share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

During a Federal FMLA and/or CT FMLA leave, an employee shall not accrue any benefits, such as seniority, pension benefits, or sick or vacation leave, unless otherwise required by any applicable collective bargaining agreement or Board policy. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under the Board's attendance policy, if any.

REINSTATEMENT

Except for circumstances unrelated to the taking of a family or medical leave pursuant to this policy, and unless an exception applies, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job such employee held prior to the leave or to an equivalent position with equivalent pay and benefits.

COMPLAINTS

The Federal FMLA and CT FMLA prohibit employers from interfering with, restraining, or denying any rights provided by the respective laws. The Federal FMLA and CT FMLA also prohibit employers from terminating or discriminating against any individual for opposing any unlawful practice or being involved in any proceeding related to the Federal FMLA or CT FMLA, respectively. The CT FMLA also prohibits employers from interfering with, restraining, or denying any rights provided by CT Paid Leave and/or terminating or discriminating against an employee for applying for CT Paid Leave benefits.

An employee alleging a violation of the Federal FMLA may file a complaint with the U.S. Department of Labor, Wage and Hour Division. Such complaint should be filed within a reasonable time of when the employee discovers that the employee's Federal FMLA rights have been violated. In no event may a complaint be filed more than two (2) years after the action which is alleged to be a violation of the Federal FMLA occurred, or three years in the case of a willful violation. An employee may also be able to bring a private civil action for violations.

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An employee alleging a violation of the CT FMLA may file a complaint with the Connecticut Department of Labor within one hundred eighty (180) calendar days of the employer action that prompted the complaint, unless good cause exists for the late filing. Upon receipt of any such complaint, the Connecticut Department of Labor Commissioner, or the Commissioner's designee, shall conduct an investigation and make a finding regarding jurisdiction and whether a violation of the CT FMLA has occurred. An employee alleging a violation of the CT FMLA may also bring a civil action in a court of competent jurisdiction against the employer within one hundred eighty (180) calendar days of the employer action alleged to be in violation of the CT FMLA. Such action may be brought by an employee without first filing an administrative complaint.

ADDITIONAL INFORMATION

Questions regarding family or medical leave may be directed to the Superintendent or designee. Federal FMLA and CT FMLA do not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Legal References:

Connecticut:

Conn. Gen. Stat. § 31-51kk et seq.

Conn. Gen. Stat. § 31-49e et seq.

Regs. Conn. State Agencies 31-51qq, et seq.
~~Public Act 25-174, "An Act Authorizing and Adjusting Bonds of the State and Concerning Grant Programs, State Grant Commitments for School Building Projects, Revisions to the School Building Projects Statutes and Various Provisions Revising and Implementing the Budget for the Biennium Ending June 30, 2027"~~

Federal:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

29 CFR 1635.1 et seq.

Note: Sections 11 through 13 of Public Act 26-139 revise the existing framework that a board of education, charter school governing council, magnet school operator, or supervisory agent of nonpublic schools (collectively, "school governing entities") must follow when hiring applicants for positions involving direct student contact. The law requires school governing entities to, among other things, review a written statement from the applicant, contact the applicant's former employers (as defined by the statute), and review information from the State Department of Education ("SDE") regarding the SDE's knowledge of the applicant's history of certain misconduct. The Act generally expands the scope of what applicants, former employers, and the SDE must disclose. This policy has been revised to reflect the new statutory requirements

Series 4000 **4112.5**
Personnel **4212.5**

EMPLOYMENT AND STUDENT TEACHER BACKGROUND CHECKS

As set forth below, each applicant for a position with the New Milford Public Schools (the "District"), and each student who is enrolled in a teacher preparation program with the District, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience in the District (collectively referred to as "applicants"), shall be asked to provide in writing: (1) whether the applicant has ever been convicted of a crime; (2) whether there are any criminal charges pending against the applicant at the time of the application and, if charges are pending, to state the charges and the court in which such charges are pending; and (3) whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families ("DCF") (the "Registry~~").~~

Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased. An employment application form that contains any question concerning the criminal history of the applicant shall contain the following notice, in clear and conspicuous language:

> **Pursuant to section 31-51i(d) of the Connecticut General Statutes, the applicant is hereby notified that (1) the applicant is not required to disclose the existence of any erased criminal history record information, (2) erased criminal history record information are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolled, a criminal charge for which the person has been found not guilty or a conviction for which the person received an absolute pardon or criminal records that are erased pursuant to statute or by other operation of law, and (3) any person with erased criminal history record information shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.**

In addition, the District shall conduct an employment history check for each applicant for a position, as set forth below.

For the purposes of this policy:

"**Sexual misconduct"** means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.

"**Abuse or neglect**" means abuse or neglect as described in Conn. Gen. Stat. § 46b-120, and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first degree), 53a-70a (aggravated sexual assault in the first degree), 53a-71 (sexual assault in the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).

"Injury or risk of injury to, or impairing the morals of, a minor" as defined in Conn. Gen. Stat § 53-21 means (1) wilfully or unlawfully causing or permitting any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or doing any act likely to impair the health or morals of any such child; or (2) having contact with the intimate parts, as defined in Conn. Gen. Stat. § 53a-65, of a child under the age of sixteen years or subjecting a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child; or (3) permanently transferring the legal or physical custody of a child under the age of sixteen years to another person for money or other valuable consideration or acquiring or receiving the legal or physical custody of a child under the age of sixteen years from another person upon payment of money or other valuable consideration to such other person or a third person, except in connection with an adoption proceeding that complies with the provisions of chapter 803.

"**Former employer**" means any local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator, person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty years prior to applying for a position with a local or regional board of education.

I. Employment History Check Procedures

A. The District shall not offer employment to an applicant for a position, including any position that is contracted for, if such applicant would have direct student contact, prior to the District:

1. Requiring the applicant:

a. to list the name, address, and telephone number of each current employer or former employer (please note the definition of "former employer" above, including the applicable twenty-year reporting period) during any of the previous twenty years, if:

(i) such current or former employer is/was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, and/or

(ii) the applicant's employment with such current or former employer caused the applicant to have contact with children~~.~~;

b. to submit a written authorization that

(i) consents to and authorizes disclosure by the employers listed under paragraph I.A.1.a of this policy of the information requested under paragraph I.A.2 of this policy and the release of related records by such employers,

(ii) consents to and authorizes disclosure by the Connecticut State Department of Education (the "Department') of the information requested under paragraph I.A.3 of this policy and the release of related records by the Department, and

(iii) releases those employers and the Department from liability that may arise from such disclosure or release of records pursuant to paragraphs I.A.2 or I.A.3 of this policy; and

c. to submit a written statement of whether the applicant

(i) has been or is the subject of an abuse or neglect or sexual misconduct investigation, or any investigation involving the injury or risk of injury to, or impairing the morals of, a minor, by any employer, state agency or municipal police department,~~unless the investigation resulted in a finding that all allegations were unsubstantiated,~~

(ii) has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by DCF or any employer, state agency or municipal police department, or an allegation of sexual misconduct was pending or under investigation by any employer, state agency or municipal police department, or an allegation involving the injury or risk of injury to, or impairing the morals of, a minor, was pending or under investigation, or due to an allegation substantiated pursuant to Conn.

Gen. Stat. § 17a-101g of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or

(iii) has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by DCF or an investigation of sexual misconduct was pending or under investigation, or an allegation involving the injury or risk of injury to, or impairing the morals of, a minor, was pending or under investigation, or due to an allegation substantiated by DCF of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;

2. Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under paragraph I.A.1.a of this policy. Such review shall be conducted using a form developed by the Department, which shall request the following:

a. the dates of employment of the applicant, and

b. a statement as to whether the employer has knowledge that the applicant:

(i) was or is the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency, or municipal police department or which has been substantiated, unless such substantiation was reversed as a result of an appeal to DCF;

(ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was or is pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct, unless such substantiation was reversed as a result of an appeal to DCF; or

(iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct, unless such substantiation was reversed as a result of an appeal to

DCF. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of subsection (g) of Conn. Gen. Stat. § 31-51i, not later than five (5) business days after the District receives a request for such information about an employee or former employee, the District shall respond with and is authorized to disclose such information. The District may request more information concerning any response made by a current or former employer for information about an applicant, and, notwithstanding subsection (g), such employer shall respond not later than five (5) business days after receiving such request.

3. Requesting information from the Department concerning:

   a. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit,

   b. whether the Department has knowledge that an investigation is pending or a finding has been substantiated by DCF pursuant to Conn. Gen. Stat. § 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such ~~a~~ investigation or finding, and

   c. whether the Department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

B. Notwithstanding the provisions of subsection (g) of Conn. Gen. Stat. § 31-51i, if the District receives information that an applicant for a position with or an employee of the District is under investigation or has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of such information.

C. The District shall not employ an applicant for a position involving direct student contact who does not comply with the provisions of paragraph I.A.1 of this policy.

D. The District may employ or contract with an applicant on a temporary basis for a period not to exceed ninety (90) calendar days, pending the District's review of information received under this section, provided:

   1. The applicant complied with paragraph I.A.1 of this policy;

   2. The District has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the District; and

3. The applicant affirms that the applicant is not disqualified from employment with the District.

E. The District shall not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

1. Has the effect of suppressing or requiring the nondisclosure of information relating to ~~an~~ a pending investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;

2. Affects the ability of the District to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or

3. Requires the District to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the District, unless, after investigation, such allegation is ~~dismissed or~~ found to be false.

F. The District shall not offer employment to a person as a substitute teacher, unless such person and the District comply with the provisions of paragraph I.A.1 of this policy. The District shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The District shall not hire any person as a substitute teacher who is not on such list. Such person shall remain on such list as long as such person is continuously employed by the District as a substitute teacher, as described in paragraph III.B.2 of this policy, provided the District does not have any knowledge of a reason that such person should be removed from such list.

G. In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all the information required of an applicant under paragraphs I.A.1.a and I.A.1.c of this policy and a written authorization under paragraph I.A.1.b of this policy. Such contractor shall contact any current or former employer (please note the definition of "former employer" above, including the applicable twenty-year reporting period) of such employee that was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or if the employee's employment with such current or former employer caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there is a pending or open investigation or was a finding of abuse or neglect or sexual misconduct against such employee. Notwithstanding the provisions of subsection (g) of Conn. Gen. Stat. § 31-51i, such employer shall report to the contractor any such investigation or finding, either telephonically or through written communication. If the contractor receives any information indicating such ~~a finding~~ investigation or ~~otherwise receives any information~~

~~indicating such a~~ finding or otherwise has knowledge of such ~~a~~ investigation or finding, the contractor shall, notwithstanding the provisions of subsection (g) of Conn. Gen. Stat. § 31-51i, immediately forward such information to the District, either telephonically or through written communication. If the District receives such information, it shall determine whether such employee of the contractor may work in a position involving direct student contact at any school in the District. No determination by the District that any such employee of the contractor shall not work under any such contract in any such position shall constitute a breach of such contract.

H. Any applicant/employee who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (A) of this section shall be subject to discipline by the District that may include:

1. denial of employment, or

2. termination of the contract of a certified employee, in accordance with the provisions of Conn. Gen. Stat. § 10-151, or

3. termination of a non-certified employee in accordance with applicable law and/or any applicable collective bargaining agreement, contract or District policy.

I. If the District provides information in accordance with paragraph I.A.2 or I.G of this policy, the District shall be immune from criminal and civil liability, provided the District did not knowingly supply false information.

J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection (g) of Conn. Gen. Stat. § 31-51i, the District shall provide, upon request by another local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school for the purposes of an inquiry pursuant to paragraphs I.A.2 or I.G of this policy or to the Commissioner of Education pursuant to paragraph I.B of this policy any information that the District has concerning ~~a~~ an investigation or finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.

K. Prior to offering employment to an applicant, the District shall make a documented good faith effort to contact each current and any former employer (please note the definition of "former employer" employer above, including the applicable twenty-year reporting period) of the applicant that was a local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school, or if the applicant's employment with such current or former employer caused the applicant to have contact with children in order to obtain information and recommendations that may be relevant to the applicant's fitness for employment, including whether there is a pending investigation of the applicant for allegations of abuse or neglect or

sexual misconduct. Such effort, however, shall not be construed to require more than three telephonic requests made on three separate days.

L. The District shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or who resigned from such employment, if the ~~person~~ applicant (1) has been convicted of a violation of Conn. Gen. Stat. § 17a-101a, ~~when~~ or (2) has had an allegation of abuse or neglect or sexual ~~assault has been~~ misconduct substantiated.

II. DCF Registry Checks

Prior to hiring any person for a position with the District, and before a student who is enrolled in a teacher preparation program in the District, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, begins such student teaching experience, the District shall require such applicant or student to submit to a records check of information maintained on the Registry concerning the applicant.

The District shall request information from the Registry promptly, and in any case no later than thirty (30) calendar days from the date of employment. Registry checks will be processed according to the following procedure:

A. No later than ten (10) calendar days after the Superintendent or the Superintendent's designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or the Superintendent's designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF for obtaining information from the Registry.

B. If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or the Superintendent's designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF ~~,~~ with a copy to the Superintendent or the Superintendent's designee. Failure of the applicant to submit the signed form to DCF within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

C. Upon receipt of Registry information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or the Superintendent's designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.

D. If notification is received by the Superintendent or the Superintendent's designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or the Superintendent's designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the applicant, the Superintendent or the Superintendent's designee shall revoke the offer of employment and/or terminate the applicant's employment if the applicant has already commenced working for the District.

III. Criminal Records Check Procedure

A. Each person hired by the District shall be required to submit to state and national criminal records checks within thirty (30) calendar days from the date of employment. Each student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, shall be required to submit to state and national criminal records checks within sixty (60) calendar days from the date such student begins to perform such student teaching experience. Record checks will be processed according to the following procedure:*

1. No later than five (5) calendar days after the Superintendent or the Superintendent's designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or the Superintendent's designee will provide the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the local police department ~~of~~ or the CT State Department of Emergency Services and Public Protection. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal records checks. The Superintendent or the Superintendent's designee will also provide each applicant with the following notifications before the applicant obtains the applicant's fingerprints: (1) Agency Privacy Requirements for Noncriminal Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3) and the Federal Bureau of Investigation, United States Department of Justice Privacy Act Statement.

2. No later than ten (10) calendar days after the Superintendent or the Superintendent's designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the local police department or ~~the~~ CT State Department of Emergency Services and Public Protection. Failure of the applicant to have the applicant's fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal records checks. Fees and costs associated with the fingerprinting process and the submission and process of requests are waived for student teachers, in accordance with state law.

4. Upon receipt of a criminal records check indicating a previously undisclosed conviction, the Superintendent or the Superintendent's designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal records check. The affected applicant/employee may notify the Superintendent or the Superintendent's designee in writing within five (5) calendar days that the affected applicant/employee will challenge such individual's criminal history records check. Upon written notification to the Superintendent or the Superintendent's designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or the Superintendent's designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or the Superintendent's designee may grant an extension to the preceding ten-day period during which the affected applicant/employee may provide such documentation for good cause shown.

5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

6. Notwithstanding anything in paragraph III.A.5 of this policy, above, no decision to deny employment or withdraw an offer of employment on the basis of an applicant/employee's criminal history record shall be made without affording the applicant/employee the opportunities set forth in paragraph III.A.4 of this policy, above.

B. **Criminal Records Check for Substitute Teachers:**

A substitute teacher who is hired by the District must submit to state and national criminal history records checks according to the procedures outlined above, subject to the following:

1. If the state and national criminal history records checks for a substitute teacher have been completed within <u>one year prior to the date</u> the District hired the substitute teacher, and if the substitute

teacher arranged for such prior criminal history records checks to be forwarded to the Superintendent or the Superintendent's designee, then the substitute teacher will not be required to submit to another criminal history records check at the time of such hire.

2. If a substitute teacher submitted to state and national criminal history records checks upon being hired by the District, then the substitute teacher will not be required to submit to another criminal history records check so long as the substitute teacher is continuously employed by the District, that is, employed for at least one day of each school year, by the District, provided a substitute teacher is subjected to such checks at least once every five years.

IV. Sex Offender Registry Checks

District personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee and before a student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, begins such student teaching experience. Registration as a sexual offender constitutes grounds for denial of employment opportunities and opportunities to perform student teaching experiences in the District.

V. Credit Checks

The District may also ask a prospective employee for a credit report for employment for certain District positions, where the District's receipt of a credit report is substantially related to the employee's potential job. "Substantially related to the current or potential job" is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated because of the position." Prior to asking for a credit report, the District will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the District; (2) involve access to employees' personal or financial information; (3) involve a fiduciary responsibility to the District, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provide an expense account or District debit or credit card; or (5) involve access to the District's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the District will provide written notification to the prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the District may use the information in the consumer credit report to make decisions related to the individual's employment. The District will obtain written, signed consent before performing the credit or other background checks.

If the District intends to take an action adverse to a potential employee based on the results of a credit report, the District must provide the prospective employee with a copy of the report on which the District relied in making the adverse decision, as well as a copy of

"A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that provides the results of the credit check. The District will give the potential employee a reasonable amount of time, i.e., at least five days, to dispute any of the information in the report prior to making any final employment decision.

If an adverse action is taken based on information from the report, the District will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the District's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) calendar days.

VI. Notice of Conviction

If, at any time, the District receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education, the District shall send such notice to the State Board of Education. In complying with this requirement, the District shall not disseminate the results of any national criminal history records check.

VII. School Nurses

School nurses or nurse practitioners appointed by, or under contract with, the District shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

VIII. Personal Online Accounts

For purposes of this policy, "personal online account" means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the District, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee or applicant for a business purpose of the District.

A. During the course of an employment check, the District may not:

1. request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing a personal online account;

2. request or require that an applicant authenticate or access a personal online account in the presence of District personnel; or

3. require that an applicant invite a supervisor employed by the District or accept an invitation from a supervisor employed by the District to

join a group affiliated with any personal online account of the applicant.

B. The District may request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing:

1. any account or service provided by District or by virtue of the applicant's employment relationship with the District or that the applicant uses for the District's business purposes, or

2. any electronic communications device supplied or paid for, in whole or in part, by the District.

C. In accordance with applicable law, the District maintains the right to require an applicant to allow the District to access the applicant's personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:

1. conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant's personal online account; or

2. conducting an investigation based on the receipt of specific information about an applicant's unauthorized transfer of the District's proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

IX. Policy Inapplicable to Certain Individuals

This policy shall not apply to:

A. A student employed by the District who attends a District school.

B. A person employed by the District as a teacher for a noncredit adult class or adult education activity, as defined in Conn. Gen. Stat. § 10-67, who is not required to hold a teaching certificate pursuant to Conn. Gen. Stat. § 10-145b for such position.

X. Falsification of Records

Notwithstanding any other provisions of this policy, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

Legal References: Conn. Gen. Stat. § 10-212

Conn. Gen. Stat. § 10-221d

Conn. Gen. Stat. § 10-222c

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-51i

Conn. Gen. Stat. § 31-51tt

Public Act ~~24~~26-~~41~~139, "An Act Concerning ~~Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements~~Various Revisions to the Education Statutes."

Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act, Pub. L. 114-95, codified at 20 U.S.C.§ ~~1001~~ 6301 *et seq.*

Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq*.

Approved: August 15, 2023
Revised ~~:~~ April 22, 2025

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Agency Privacy Requirements for Noncriminal Justice Applicants

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as employment or a license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notices and that the results of the check are handled in a manner that protects the applicant's privacy. All notices must be provided in writing.[1] These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.), Section 552a, and Title 28, Code of Federal Regulations (CFR), Section 50.12, among other authorities.

- Officials must ensure that each applicant receives an adequate written FBI Privacy Act Statement (dated 2013 or later) when the applicant submits the applicant's fingerprints and associated personal information.[2]
- Officials must advise all applicants in writing that procedures for obtaining a change, correction, or update of an FBI criminal history record are set forth at 28 CFR 16.34. Information regarding this process may be found at https://www.fbi.gov/services/cjis/identity-history-summary-checks and https://www.edo.cjis.gov.
- Officials must provide the applicant the opportunity to complete or challenge the accuracy of the information in the FBI criminal history record.
- Officials should not deny the employment, license, or other benefit based on information in the FBI criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the FBI criminal history record for authorized purposes only and cannot retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.[3]

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain the applicant's record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant the FBI Privacy Act Statement, the 28 CFR 50.12 notice, and the opportunity to correct the applicant's record. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of FBI criminal history records for noncriminal justice purposes.

If you need additional information or assistance, contact:

Connecticut Records: **Department of Emergency Services and Public Protection** **State Police Bureau of Identification (SPBI)**	**Out-of-State Records:** **Agency of Record** **OR** **FBI CJIS Division-Summary Request**

[1] Written notification includes electronic notification, but excludes oral notification.

[2] See https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement

[3] See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).

1111 Country Club Road Middletown, CT 06457 860-685-8480	1000 Custer Hollow Road Clarksburg, West Virginia 26306

Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a ~~job or~~ license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. All notices must be provided to you in writing.[4] These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulations (CFR), 50.12, among other authorities.

- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later) when you submit your fingerprints and associated ~~person~~ personal information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared, or retained.[5]
- You must be advised in writing of the procedures for obtaining a change, correction, or ~~updating~~ update of your FBI criminal history record as set forth at 28 CFR 16.34.
- You must be provided the opportunity to complete or challenge the accuracy of the information in your FBI criminal history record (if you have such a record).
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the FBI criminal history record.
- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at ~~http~~https://www.fbi.gov/services/cjis/identity-history-summary-checks and https://www.edo.cjis.gov.
- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI by submitting a request via https://www.edo.cjis.gov. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.[6]
- If you need additional information or assistance, please contact:

Connecticut Records: **Department of Emergency Services and Public Protection** **State Police Bureau of Identification (SPBI)** **1111 Country Club Road** **Middletown, CT 06457** **860-685-8480**	**Out-of-State Records:** **Agency of Record** **OR** **FBI CJIS Division-Summary Request** **1000 Custer Hollow Road** **Clarksburg, West Virginia 26306**

[4] Written notification includes electronic notification, but excludes oral notification.
[5] https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement
[6] See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

Federal Bureau of Investigation
Privacy Act Statement

This privacy act statement is located on the back of the FD-258 fingerprint card.

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety. ~~As of 3/30/2018~~

Note: Effective October 1, 2026, Public Act 26-73 amends Connecticut General Statutes Section 31-48d to require employers who engage in electronic monitoring to provide each employee hired on or after October 1, 2026, prior to commencing Oemployment, with a plain language statement advising which activities are prohibited and may be monitored without prior written notice. The revised law also requires that employers provide employees with notice of the specific locations on the employer's premises where electronic monitoring may occur. The model notice that accompanies this policy has been revised to reflect these changes. Also, technical and clarifying changes have been made to the administrative regulations that accompany the policy.

POLICY AND ADMINISTRATIVE REGULATIONS REGARDING EMPLOYEE USE OF THE DISTRICT'S COMPUTER SYSTEMS AND ELECTRONIC COMMUNICATIONS

Computers, computer networks, electronic devices, Internet and/or WiFi access, and electronic messaging systems are effective and important technological resources. The New Milford Board of Education (the "Board") has installed computers and a computer network(s), including Internet and WiFi access and electronic messaging systems, on Board premises and may provide other electronic devices that can access the network(s) and/or have the ability to send and receive messages with an operating system or network communication framework. Devices include but are not limited to personal computing devices, cellular phones, Smartphones, Smartwatches, network access devices, radios, personal cassette players, CD players, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices. Electronic messaging systems include mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content, such as Snapchat, and security focused platforms, such as Signal. The Board's computers, computer networks, electronic devices, Internet access, and electronic messaging systems are referred to collectively as "the computer systems" and are provided in order to enhance both the educational opportunities for our students and the business operations of the ~~district~~New Milford Public Schools (the "District").

These computer systems are business and educational tools. As such, they are made available to Board employees for business and education-related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used for appropriate business and education-related purposes.

In accordance with applicable laws and the Administrative Regulations associated with this ~~Policy~~policy, the system administrator and others managing the computer systems may access electronic messaging systems (including email) or monitor activity on the computer system or electronic devices accessing the computer systems at any time and for any reason or no reason. Typical examples include when there is reason to suspect inappropriate conduct or there is a problem with the computer systems needing correction. Further, the system administrator and others managing the computer systems can access or monitor activity on the systems despite the use of passwords by individual users~~,~~ and can bypass such passwords. In addition, review of electronic messaging systems (including email), messages or information stored on the computer systems, which can be forensically retrieved, includes those messages and/or electronic data sent, posted and/or retrieved using social networking sites, including but not limited to, Twitter/X, Facebook, LinkedIn, Instagram, YouTube, TikTok, Reddit, and ~~YouTube~~Tumblr.

Incidental personal use of the computer systems may be permitted solely for the purpose of email transmissions and access to the Internet/WiFi on a limited, occasional basis. Such incidental personal use of the computer systems, however, is subject to all rules, including monitoring of all such use, as the Superintendent may establish through regulation. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

Users should not have any expectation of personal privacy in the use of the computer ~~system~~systems or other electronic devices that access the computer system. Use of the computer ~~system~~systems represents an employee's acknowledgement that the employee has read and understands this policy and any applicable regulations in their entirety, including the provisions regarding monitoring and review of ~~computer~~electronic activity using the District systems or access.

Legal References:

Conn. Gen. Stat. § 31-40x
Conn. Gen. Stat. § 31-48b
Conn. Gen. Stat. § 31-48d
Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250 *et seq.*
Electronic ~~Communication~~Communications Privacy Act, 18 U.S.C. §§ 2510 through ~~2520~~2523

Policy adopted: March 21, ~~2023~~2013 ~~SCHOOLS~~ NEW MILFORD PUBLIC SCHOOLS
Revised: _____ New Milford, Connecticut

ADMINISTRATIVE ~~REGULATION~~REGULATIONS REGARDING EMPLOYEE USE OF THE DISTRICT'S COMPUTER SYSTEMS AND ELECTRONIC COMMUNICATIONS

Introduction

Computers, computer networks, electronic devices, Internet and/or WiFi access, and electronic messaging systems are effective and important technological resources. The New Milford Board of Education (the "Board") has installed computers and a computer network(s), including Internet and WiFi access and electronic messaging systems, on Board premises and may provide electronic devices that can access the network(s) and/or have the ability to send and receive messages with an operating system or network communication framework. Devices include but are not limited to personal computing devices, cellular phones,~~,~~ Smartphones, network access devices, radios, personal cassette players, CD players, tablets, walkie~~-~~talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices. Electronic messaging systems include mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content, such as Snapchat, and security focused platforms, such as Signal. The Board's computers, computer networks, electronic devices, Internet access, and electronic messaging systems are referred to collectively as "the computer systems" and are provided in order electronic devices, to enhance the educational and business operations of the ~~district~~New Milford Public Schools (the "District"). In these regulations, the computers, computer network, electronic devices, Internet access and email system are referred to collectively as "the computer systems."

These computer systems are business and educational tools. As such, they are being made available to employees of the ~~district~~District for ~~district~~District-related educational and business purposes. *All users of the computer systems must restrict themselves to appropriate ~~district~~District-related educational and business purposes*. Incidental personal use of the computer systems may be permitted solely for the purpose of email transmissions and similar communications, including access to the Internet/WiFi on a limited, occasional basis. Such incidental personal use of the computer systems is subject to all rules, including monitoring of all such use, set out in these regulations. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

These computer systems are expensive to install, own and maintain. Unfortunately, these computer systems can be misused in a variety of ways, some of which are ~~innocent~~inadvertent and others deliberate. Therefore, in order to maximize the benefits of these technologies to the ~~district~~District, our employees and all our students, this regulation shall govern *all* use of these computer systems.

Monitoring

It is important for all users of these computer systems to understand that the Board, as the owner of the computer systems, reserves the right to monitor the use of the computer systems to ensure that they are being used in accordance with these regulations. The ~~Board~~District intends to monitor in a limited fashion~~,~~ but will do so as needed to ensure that the systems are being used appropriately for ~~district~~District-related educational and business purposes and to maximize utilization of the systems for such business and educational purposes. The Superintendent reserves the right to eliminate personal use of the ~~district~~District's computer systems by any or all employees at any time.

The system administrator and others managing the computer systems may access electronic messaging systems (including email) or monitor activity on the computer system or electronic devices accessing the computer systems at any time and for any reason or no reason. Typical examples include when there is reason to suspect inappropriate conduct or there is a problem with the computer systems needing correction. Further, the system administrator and others managing the computer systems can access or monitor activity on the systems despite the use of passwords by individual users~~,~~ and can bypass such passwords. In addition, review of emails, messages or information stored on the computer systems, which can be forensically retrieved, includes those messages and/or electronic data sent, posted and/or retrieved using social networking sites, including, but not limited to, Twitter/X, Facebook, LinkedIn, Instagram, YouTube, TikTok, Reddit, and ~~YouTube~~Tumblr.

Notwithstanding the above and in accordance with state law, the ~~Board~~District may not~~:~~ (1) request or require that an employee provide the ~~Board~~District with a user name and password, password or any other authentication means for accessing a personal online account; (2) request or require that an employee authenticate or access a personal online account in the presence of a ~~Board~~District representative; or (3) require that an employee invite a supervisor employed by the Board or accept an invitation from a supervisor employed by the ~~Board~~District to join a group affiliated with any personal online account of the employee. However, the ~~Board~~District may request or require that an employee provide the ~~Board~~District with a ~~user name~~username and password, password or any other authentication means for accessing (1) any account or service provided by the ~~Board~~District or by virtue of the employee's employment relationship with the Board or that the employee uses for the Board's business

purposes, or (2) any electronic communications device supplied or paid for, in whole or in part, by the Board.

In accordance with applicable law, the ~~Board~~District maintains the right to require an employee to allow the ~~Board~~District to access the employee's personal online account, without disclosing the ~~user name~~username and password, password or other authentication means for accessing such personal online account, for the purpose of:

(A) Conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an employee's personal online account; or

(B) Conducting an investigation based on the receipt of specific information about an employee's unauthorized transfer of the Board's proprietary information, confidential information or financial data to or from a personal online account operated by an employee or other source.

For purposes of these Administrative Regulations, "personal online account" means any online account that is used by an employee exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee for a business purpose of the Board.

Why Monitor?

The computer systems are expensive for the Board to install, operate and maintain. For that reason alone, it is necessary to prevent misuse of the computer systems. However, there are other equally important reasons why the Board intends to monitor the use of these computer systems, reasons that support its efforts to maintain a comfortable and pleasant work environment for all employees.

These computer systems can be used for improper, and even illegal, purposes. Experience by other operators of such computer systems has shown that they can be used for such wrongful purposes as sexual harassment, intimidation of co-workers, threatening of co--workers, breaches of confidentiality, copyright infringement, and the like.

Monitoring will also allow the ~~Board~~District to continually reassess the utility of the computer systems, and whenever appropriate, make such changes to the computer systems as it deems fit. Thus, the ~~Board~~District monitoring should serve to increase the value of the system to the ~~district~~District on an ongoing basis.

Privacy Issues

Employees must understand that the ~~Board~~District has reserved the right to conduct monitoring of these computer systems and can do so *despite* the assignment to individual employees of passwords for system security. Any password systems implemented by the ~~district~~District are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user.

The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes.

Therefore, *employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems.* This provision applies to any and all uses of the ~~district~~District's computer systems and electronic devices that access same, including any incidental personal use permitted in accordance with these regulations.

Use of the computer system represents an employee's acknowledgement that the employee has read and understands these regulations and any applicable policy in their entirety, including the provisions regarding monitoring and review of computer activity.

Prohibited Uses

Inappropriate use of ~~district~~District computer systems is expressly prohibited, including, but not limited to, the following:

- Sending any form of solicitation not directly related to the business of the Board ~~of~~and ~~Education~~as authorized by the District;
- Sending any form of slanderous, harassing, threatening, or intimidating message, at any time, to any person (such communications *may* also be a *crime*);
- Gaining or seeking to gain unauthorized access to computer systems;
- Downloading or modifying computer software of the ~~district~~District in violation of the ~~district~~District's licensure agreement(s) and/or without authorization from supervisory personnel;
- Sending any message that breaches the Board's confidentiality requirements, including the confidentiality rights of students;
- Sending any copyrighted material over the system;
- Sending messages for any purpose prohibited by law;

- Transmission or receipt of inappropriate email communications or accessing inappropriate information on the Internet, including vulgar, lewd or obscene words or pictures;

- Using computer systems for any purposes, or in any manner, other than those permitted under these regulations;

- Using social networking sites such as Facebook, Twitter/X, LinkedIn, Instagram, YouTube, TikTok, Reddit and/or ~~YouTube~~Tumblr in a manner that ~~disrupts~~violates the Board's Social Networking policy.

- Using social networking sites such as Facebook, Twitter/X, LinkedIn, Instagram, YouTube, TikTok, Reddit, and/or Tumblr in a manner that causes legally sufficient interference with, disruption to, or ~~undermines~~undermining of the effective operation of the District or a District school ~~district~~or program such that regulation of such communication comports with the First Amendment and other applicable laws; is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications (e.g., when such speech relates to a matter of public concern and its disruptive impact outweighs the importance of the speech); creates a hostile work environment; breaches confidentiality obligations of District employees; and/or violates the law, Board policies and/or other school rules or regulations.

- Using generative artificial intelligence in a manner that disrupts or undermines the effective operation of the District; is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications, creates a hostile work environment; breaches confidentiality obligations of school ~~district~~ employees; or violates the law, Board policies and/or ~~the~~ other school rules and regulations. For purposes of this policy, "generative artificial intelligence" refers to a technology system, including but not limited to ChatGPT, capable of learning patterns and relationships from data, enabling it to create content, including but not limited to text, images, audio, or video, when prompted by a user.

In addition, if a particular behavior or activity is generally prohibited by law and/or Board policy, use of these computer systems for the purpose of carrying out such activity and/or behavior is also prohibited.

Electronic Communications

The Board expects that all employees will comply with all applicable Board policies and standards of professional conduct when engaging in any form of electronic communication, including texting, using the ~~district~~District's computer system, or through the use of any electronic messaging system or electronic device or mobile device owned, leased, or used by the Board. As with any form of communication, the Board expects ~~district~~District personnel to exercise caution and appropriate judgment when using electronic communications with students, colleagues and other individuals in the context of fulfilling an employee's job~~-~~-related responsibilities, including when engaging in remote teaching or use of a digital teaching platform.

Disciplinary Action

Misuse of these computer systems will not be tolerated and will result in disciplinary action up to and including termination of employment. Because no two situations are identical, the Board reserves the right to determine the appropriate discipline for any particular set of circumstances.

Complaints of Problems or Misuse

Anyone who is aware of problems with or misuse of these computer systems, or has a question regarding the appropriate use of the computer systems, should report this to a ~~district~~District administrator, supervisor or to ~~the~~ Director of Technology.

Most importantly, the Board urges *any* employee who receives *any* harassing, threatening, intimidating or other improper message through the computer systems to report this immediately. It is the Board's policy that no employee should be required to tolerate such treatment, regardless of the identity of the sender of the message. *Please report these events!*

Implementation

This regulation is effective as of ~~03~~__/~~21~~__/~~23~~__.

Legal References:

Conn. Gen. Stat. § 31-40x
Conn. Gen. Stat. § 31-48b
Conn. Gen. Stat. § 31-48d
Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250 *et seq.*
Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

~~Regulation adopted: March 21, 2023 NEW MILFORD PUBLIC SCHOOLS New Milford, Connecticut~~

[Note: Although we have included this sample notice in our model policy documents for the convenience of our Board of Education clients, the notice does not need to be approved as a Board policy].

NOTICE REGARDING ELECTRONIC MONITORING

[To be posted in a conspicuous place readily available for viewing by employees and provided to new hires]

In accordance with the provisions of Connecticut General Statutes Section 31-48d, the New Milford Board of Education ("Board") hereby gives notice to all its employees of the potential use of electronic monitoring in its workplace. While the Board may not actually engage in the use of electronic monitoring, it reserves the right to do so as the Board and/or the Administration deem appropriate in their discretion, consistent with the provisions set forth in this Notice.

"Electronic monitoring," as defined by Connecticut General Statutes Section 31-48d, means the collection of information on the Board's premises concerning employees' activities or communications, by any means other than direct observation of the employees. Electronic monitoring includes the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems. The law does not cover the collection of information (A) for security purposes in any common areas of the Board's premises which are open to the public, or (B) which is prohibited under other state or federal law.

_____The following specific types of electronic monitoring may be used by the Board in its workplaces and/or in the specific locations listed below:

- Monitoring of electronic messaging systems (including but not limited to email) and other components of the Board's computer systems, including monitoring of electronic devices such personal computing devices, cellular phones, Smartphones, Smartwatches, network access devices, radios, personal cassette players, CD players, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices that access the computer systems, for compliance with the Board's policies and regulations concerning use of such systems.

- Video and/or audio surveillance within school buildings (other than in restrooms, locker rooms, lounges and other areas designed for the health or personal comfort of employees or for the safeguarding of their possessions), on school grounds and on school buses and other vehicles providing transportation to students and/or employees of the school system.

- Monitoring of employee usage of the ~~school district~~District's telephone systems.

- Monitoring of employees when employees are engaging in remote teaching or use of a digital teaching platform.

The law also provides that, where electronic monitoring may produce evidence of misconduct, the Board may use electronic monitoring without any prior notice when the Board has reasonable grounds to believe employees are engaged in conduct that (i) violates the law, (ii) violates the legal rights of the Board or other employees, or (iii) creates a hostile work environment.

Questions about electronic monitoring in the workplace should be directed to the Superintendent.

Legal References:

Connecticut General Statutes:
_____Section 31-48b
_____Section 31-48d
_____

Note: The Student Discipline Policy has been revised in accordance with Public Act 26-1 to identify that a student in grades preschool through two may be suspended out-of-school only when it is determined that such student engaged in behavior that caused "serious physical harm," rather than "physical harm," and that a board of education must provide an alternative educational opportunity for students between the ages of 16 and 18 who have been expelled for the first *or* second time and wish to continue their education. Additionally, the policy was further revised, in accordance with Public Act 26-125, to clarify that reference to the McKinney-Vento Act is "revised to December 23, 2022," the date of the most recent revision to that federal law. Finally, the sample expulsion notification letter has been revised in accordance with Public Act 26-1. This sample letter does not require board of education approval but can serve as a model document for the district's use.

Series 5000 **5131**
Students

POLICY AND ADMINISTRATIVE REGULATIONS REGARDING STUDENT DISCIPLINE

It is the policy of the New Milford Board of Education (the "Board") to create a school environment that promotes respect of self, others, and property within the New Milford Public Schools (the "District"). Compliance with this policy will enhance the Board and the District's ability to maintain discipline and reduce interference with the educational process that can result from student misconduct. Pursuant to this policy, the District shall promote the utilization of consistent discipline practices, both within and across schools in the District, while also promoting the consideration of individual circumstances arising in each student disciplinary matter.

Where appropriate, the District utilizes strategies that teach, encourage, and reinforce positive student behavior. Such strategies include, but are not limited to, using evidence and research-based interventions, including restorative practices, and may be implemented with or without imposing discipline, as appropriate. In addition to implementing this Student Discipline policy, the District shall address student behavior in accordance with the Board's School Climate Policy, Restorative Practices Response Policy, and any school rules, student handbook, and/or code of conduct provisions regarding the same.

I. Definitions

A. **Bullying** means unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.

B. **Cannabis** means marijuana, as defined by Conn. Gen. Stat. § 21a-240.

C. **Challenging Behavior** means behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.

D. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.

E. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g., hunting); type of projectile; force and velocity of discharge; method of discharge (e.g., spring v. CO2 cartridge) and potential for serious bodily harm or death.

F. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.

G. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

H. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.

I. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.

J. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a **"destructive device"** includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

K. **Generative Artificial Intelligence ("AI")** refers to a technology system, including but not limited to ChatGPT and Google Gemini, capable of learning patterns and relationships from data, enabling it to create content, including but not limited to text, images, audio, or video, when prompted by a user.

L. **Protected Class Harassment** is a form of discrimination on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, status as a victim of sexual assault or status as a victim of trafficking in persons, or any other basis prohibited by state or federal law ("Protected Class"). Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment against any individual on the basis of that individual's association with someone in a Protected Class may be a form of Protected Class harassment.

M. **In-School Suspension** means an exclusion from regular classroom activity for no more than five (5) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.

N. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

O. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.

P. **School Days** shall mean days when school is in session for students.

Q. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.

R. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

S. **Suspension** means the exclusion of a student from school and/or transportation services only, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.

T. **Synthetically created image** means any photograph, film, videotape or other image of a person that (A) is (i) not wholly recorded by a camera, or (ii) either partially or wholly generated by a computer system, and (B) depicts, and is virtually indistinguishable from what a reasonable person would believe is the actual depiction of, an identifiable person.

U. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and

one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.

V. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the District to another regular education classroom program in the District shall not constitute a suspension or expulsion.

W. For purposes of this policy, references to "school", "school grounds" and "classroom" shall include physical educational environments, including on school transportation, as well as environments in which students are engaged in remote learning, which means instruction by means of one or more Internet-based software platforms as part of a remote learning model.

II. Scope of the Student Discipline Policy

A. ***Conduct on School Grounds, on School Transportation, or at a School-Sponsored Activity:***

1. Suspension. Students may be **suspended** for conduct on school grounds, on school transportation, or at any school-sponsored activity that **violates a publicized policy of the Board or is seriously disruptive of the educational process or endangers persons or property.**

2. Expulsion. Students may be **expelled** for conduct on school grounds, on school transportation, or at any school-sponsored activity that either **(1) violates a publicized policy of the Board and is seriously disruptive of the educational process, or (2) endangers persons or property**.

B. ***Conduct off School Grounds:***

Discipline. Students may be disciplined, including suspension and/or expulsion, for conduct off school grounds if such conduct **violates a publicized policy of the Board and is seriously disruptive of the educational process**.

C. ***Seriously Disruptive of the Educational Process:***

In making a determination as to whether off campus conduct is seriously disruptive of the educational process, the Administration and the Board may consider, but such

consideration shall not be limited to, the following factors: (1) **whether the incident occurred within close proximity of a school**; (2) **whether other students from the school were involved or whether there was any gang involvement**; (3) **whether the conduct involved violence, threats of violence, or the unlawful use of a weapon**, as defined in Section 29-38 of the Connecticut General Statutes, and **whether any injuries occurred**; and (4) **whether the conduct involved the use of alcohol**. The Administration and/or the Board may also consider (5) **whether the off-campus conduct involved the illegal use of drugs**.

D. ***Misconduct Involving Cannabis:***

A student shall not have greater discipline, punishment, or sanction for the use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct that is considered to violate a publicized policy of the Board includes the offenses described below. Any such conduct may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy):

1. Striking or assaulting a student, member of the school staff or other person(s).

2. Theft.

3. The use of obscene or profane language or gestures.

4. The possession, display and/or dissemination of obscenity or pornographic images or the unauthorized or inappropriate possession, display and/or dissemination of images, pictures or photographs depicting nudity, including intimate synthetically created images.

5. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.

6. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.

7. The use of one or more of the following: objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression); other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership; display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class; graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership; bigoted conduct or communications; and/or physical, written, electronic or verbal threats based on Protected Class membership.

8. Any act of Protected Class Harassment or reprisal or retaliation against any individual for reporting in good faith incidents of Protected Class Harassment, or who participate in the investigation of such reports.

9. Refusal by a student to respond to a staff member's request for the student to provide the student's name to a staff member when asked, misidentification of oneself to such person(s), lying to school staff members or otherwise engaging in dishonest behavior.

10. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds, on school transportation, or at a school-sponsored activity.

11. A walk-out from or sit-in within a classroom or school building or school grounds.

12. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke), including the use of AI to engage in such conduct.

13. Possession and/or use of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.

14. Possession of any ammunition for any weapon described above in Paragraph 13.

15. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.

16. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

17. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g., e-cigarettes), electronic cannabis delivery system, or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 17, the term “electronic nicotine delivery system” shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. For purposes of Paragraph 17, the term “electronic cannabis delivery system” shall mean an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 17, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine and is inhaled by the user of such product. For the purposes of this Paragraph 17, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale,

distribution, use or consumption is illegal under state and/or federal law, including cannabis.

18. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.

19. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in Paragraph 17 above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances, including cannabis.

20. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.

21. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

22. Trespassing on school grounds while on out-of-school suspension or expulsion.

23. Making false bomb threats or other threats to the safety of students, employees, and/or other persons.

24. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other employees and/or law enforcement authorities.

25. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school employees responsible for student supervision.

26. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.

27. Leaving school grounds, school transportation or a school-sponsored activity without authorization.

28. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; the unauthorized use of AI for the completion of class assignments; or any other form of academic dishonesty, cheating or plagiarism.

29. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, tablet, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds, on school transportation, or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.

30. Possession and/or use of a beeper or paging device on school grounds, on school transportation, or at a school-sponsored activity without the written permission of the principal or designee.

31. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes, including using AI in a manner that disrupts or undermines the effective operation of the school district or is otherwise seriously disruptive to the educational process.

32. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.

33. Hazing.

34. Challenging behavior, including, but not limited to, bullying, as defined in the Board’s School Climate Policy and above.

35. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

36. Acting in any manner that creates a health and/or safety hazard for employees, students, third parties on school property or the public, regardless of whether the conduct is intended as a joke, including but not limited to violating school or District health and safety protocols.

37. Engaging in a plan to stage or create a violent and/or sexual situation or activity for the purposes of recording it by electronic means and/or recording such situation or activity by electronic means. Reporting recordings to school officials may warrant exceptions from disciplinary action in certain circumstances.

38. The unauthorized publication or dissemination of a recording (photographic or audio) of another individual without permission of the individual or a school employee. Reporting recordings to school officials may warrant exceptions from disciplinary action in certain circumstances.

39. Using computer systems, including email, remote learning platforms, instant messaging, text messaging, blogging or the use of social networking websites, AI, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

40. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school employee.

41. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, which occurs between two students who are currently in or who have recently been in a dating relationship.

42. Any action prohibited by any Federal or State law.

43. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in

school seriously disruptive of the educational process and/or a danger to persons or property.

IV. Discretionary and Mandatory Expulsions

A. An administrator responsible for a school program ("responsible administrator") may consider recommendation of expulsion of a student in **grades three to twelve, inclusive**, in a case where the responsible administrator has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.

B. A responsible administrator must recommend expulsion proceedings in all cases against any student in **grades kindergarten to twelve, inclusive**, whom the District Administration has reason to believe:

1. was in **possession on school grounds, on school transportation,** or at a **school-sponsored activity** of a **deadly weapon**, **dangerous instrument**, **martial arts weapon**, or **firearm** as defined in 18 U.S.C. § 921 as amended from time to time; or

2. **off school grounds**, **possessed a firearm** as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or **possessed and used a firearm** as defined in 18 U.S.C. § 921, a **deadly weapon**, a **dangerous instrument** or a **martial arts weapon** in the **commission of a crime** under chapter 952 of the Connecticut General Statutes; or

3. was engaged **on or off school grounds or school transportation** in **offering for sale or distribution a controlled substance** (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278. Sale or distribution of less than one (1) kilogram of cannabis is not subject to mandatory expulsion.

The terms "**dangerous instrument**," "**deadly weapon**," **electronic defense weapon**," "**firearm**," and "**martial arts weapon**," are defined above in Section I.

C. In any preschool program provided by the Board or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board, no **student enrolled in such a preschool program** shall be expelled from such preschool

program, except an expulsion hearing shall be conducted by the Board in accordance with Section IX of this policy whenever the Administration has reason to believe that that a student enrolled in such preschool program was in **possession of a firearm** as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds, on school transportation, or at a preschool program-sponsored event. The term **"firearm"** is defined above in Section I.

D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or designee determines that a student should or must be expelled, the Superintendent or designee shall forward such recommendation to the Board so that the Board can consider and act upon this recommendation.

E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades kindergarten to twelve, inclusive, for one (1) full calendar year for the conduct described in Section IV.B(1), (2) and (3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year for the conduct described in Section IV.C. For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

V. Procedures Governing Behavior that Causes a Serious Disruption

A. A school principal or other school administrator shall notify a parent or guardian of a student whose behavior has caused a serious disruption to the instruction of other students; caused self-harm; or caused physical harm to a teacher, another student, or other school employee not later than twenty-four (24) hours after such behavior occurs.

B. Such notice shall include, but not be limited to, informing such parent or guardian that the teacher of record in the classroom in which such behavior occurred may request a behavior intervention meeting.

C. If the teacher of record in the classroom ultimately requests a behavior intervention meeting with the crisis intervention team for the school, the parent or guardian must be notified that such meeting will occur.

D. If a behavior intervention meeting occurs, the crisis intervention team shall, not later than seven (7) days after the behavior

intervention meeting, provide to the parent or guardian of such student, in the dominant language of such parent or guardian, a written summary of such meeting, including, but not limited to, the resources and supports identified.

VI. Procedures Governing Removal from Class

A. A student may be removed from class by a teacher or administrator if the student deliberately causes a serious disruption of the educational process. When a student is removed by a teacher, the teacher must send the student to a designated area and notify the building principal or designee at once.

B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the responsible administrator or the administrator's designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

VII. Procedures Governing Suspension

A. The responsible administrator or the administrator's designee shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than the following: five (5) consecutive school days for an in-school suspension; ten (10) consecutive school days for an out-of-school suspension for students in grades three through twelve, inclusive; or five (5) consecutive school days for an out-of-school suspension for students in grades preschool to two, inclusive. In cases where suspension is contemplated, the following procedures shall be followed.

1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the responsible administrator or the administrator's designee at which the student is informed of the alleged misconduct and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.

2. Prior to conducting the informal hearing referenced above, an administrator, school counselor or school social worker at

the student's school must contact the District's Homeless Education Liaison to determine whether the student is a homeless child or youth, as defined by the McKinney-Vento Homeless Assistance Act, revised to December 23, 2022. If a student is determined to be a homeless child or youth, the responsible administrator or the administrator's designee must consider the impact of homelessness on the student's behavior during the informal hearing.

3. If suspended, such suspension shall be an in-school suspension, except the responsible administrator or the administrator's designee may impose an out-of-school suspension on any student:

   a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the responsible administrator or the administrator's designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that the student should be excluded from school during the period of suspension; or (ii) the responsible administrator or the administrator's designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) previous efforts by the District Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or

   b. in grades preschool to two, inclusive, if the responsible administrator or the administrator's designee
      (i) determines that an out-of-school suspension is appropriate for such student based on evidence that such student's conduct on school grounds is behavior that caused serious physical harm;
      (ii) requires that such student receives services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program ("IEP") or plan pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504") for

such student upon such student's return to school immediately following the out-of-school suspension; and

(iii) considers whether to convene a Planning and Placement Team ("PPT") meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.

4. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by responsible administrator or the administrator's designee, but only considered in the determination of the length of suspensions.

5. By telephone, responsible administrator or the administrator's designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.

6. Whether or not telephone contact is made with the parent or guardian of such minor student, responsible administrator or the administrator's designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the responsible administrator or the administrator's designee), offering the parent or guardian an opportunity for a conference to discuss same.

7. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.

8. Not later than twenty-four (24) hours after the commencement of the suspension, the responsible administrator or the administrator's designee shall also notify the Superintendent or designee of the name of the student being suspended and the reason for the suspension.

9. The student shall be allowed to complete any classwork, including examinations, without penalty, which the student missed while under suspension.

10. The Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an Administration-specified program and meets any other conditions required by the Administration. Such Administration-specified program shall not require the student and/or the student's parents to pay for participation in the program. The Superintendent may delegate this authority to building or program level administrators.

11. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VII.A(10), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration-specified program and meets any other conditions required by the Administration. The Superintendent may delegate this authority to building or program level administrators.

12. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.

13. The decision of the responsible administrator or the administrator's designee with regard to disciplinary actions up to and including suspensions shall be final.

14. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the responsible administrator or the administrator's designee specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board. The responsible administrator or the administrator's designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VIII. Procedures Governing In-School Suspension

A. The responsible administrator or the administrator's designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy or seriously disrupts the educational process as determined by the responsible administrator or the administrator's designee.

B. In-school suspension may not be imposed on a student without an informal hearing by responsible administrator or the administrator's designee.

C. In-school suspension may be served in the school or program that the student regularly attends or in any other school building within the jurisdiction of the Board.

D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.

E. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

IX. Procedures Governing Expulsion Hearing

A. ***Emergency Exception:***

Except in an emergency situation, the Board shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233*l*, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

B. ***Hearing Panel:***

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.

2. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. ***Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):***

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to the student's parent(s) or guardian(s) at least five (5) business days before such hearing, not including the day of such hearing.

2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to the student's parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.

3. The written notice of the expulsion hearing shall inform the student of the following:

   a. The date, time, place and nature of the hearing, including if the hearing will be held virtually, via video conference.

   b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.

   c. A short, plain description of the conduct alleged by the Superintendent or designee.

   d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.

e. The student may cross-examine witnesses called by the Superintendent or designee.

f. The student may be represented by an attorney or other advocate of the student's choice at the student's expense or at the expense of the student's parent(s) or guardian(s).

g. A student is entitled to the services of a translator or interpreter, to be provided by the Board, whenever the student or the student's parent(s) or guardian(s) requires the services of an interpreter because they do not speak the English language or are disabled.

h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights and about free or reduced-rate legal services and how to access such services.

j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

4. Prior to conducting the expulsion hearing, an administrator, school counselor, or school social worker at the student's school must contact the District's Homeless Education Liaison to determine whether the student is a homeless child or youth, as defined by the McKinney-Vento Homeless Assistance Act, revised to December 23, 2022.

D. ***Hearing Procedures:***

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and others participating in the hearing (if applicable), briefly explain the hearing procedures, and swear in any witnesses called by the Superintendent/designee or the student. If an impartial board or more than one person has been appointed, the impartial board shall appoint a Presiding Officer.

2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape or digital recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.

3. The Superintendent or designee shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.

4. Formal rules of evidence will not be followed. The Board (or the impartial board) has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial, irrelevant and/or any other objections to its submission.

5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board (or the impartial board) will receive and consider evidence regarding the conduct alleged by the Administration.

6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or designee.

7. Each witness for the Superintendent or designee will be called and sworn. After a witness has finished testifying, the witness will be subject to cross-examination by the opposite party or the witness' legal counsel, by the Presiding Officer and by Board members (or the impartial board).

8. The student shall not be compelled to testify at the hearing.

9. After the Superintendent or designee has presented the Administration's case, the student will be asked if the student has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Superintendent or designee, the Presiding Officer and/or by the Board (or the impartial board). The student may also choose to make a statement at this time. If the student chooses to make a statement, the student will be sworn and subject to cross examination and questioning by the Superintendent or designee, the Presiding Officer and/or by the Board (or the impartial board). Concluding statements

will be made by the Superintendent or designee and then by the student and/or the student's representative.

10. In cases where the student has denied the allegation, the Board (or the impartial board) must determine whether the student committed the offense(s) as charged by the Superintendent or designee.

11. If the Board (or the impartial board) determines that the student has committed the conduct as alleged, then the Board (or the impartial board) shall proceed with the second portion of the hearing, during which the Board (or the impartial board) will receive and consider relevant evidence regarding the length and conditions of expulsion.

12. When considering the length and conditions of expulsion, the Board (or the impartial board) may review the student's attendance, academic and past disciplinary records. The Board (or the impartial board) may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VII.A (10), (11), (12), above, and Section XI, below. The Board (or the impartial board) may ask the Superintendent or designee for a recommendation as to the discipline to be imposed.

13. Evidence of past disciplinary problems that have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board (or the impartial board) is considering length of expulsion and nature of alternative educational opportunity to be offered.

14. If a student is determined to be a homeless child or youth as described in Subsection IX.C(4), the Board (or the impartial board) must consider the impact of homelessness on the student's behavior. Such student may not be expelled without a plan of interventions and supports to mitigate the impact of homelessness on the student's behavior. If the student is identified as a homeless child or youth and is expelled more than one time, the student shall be provided a meeting with the District's Homeless Education Liaison.

15. Where administrators presented the case in support of the charges against the student, neither such administrative staff nor the Superintendent or designee shall be present during

the deliberations of the Board (or the impartial board) either on questions of evidence or on the final discipline to be imposed. The Superintendent or designee may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board (or the impartial panel) as to the appropriate discipline to be applied.

16. The Board (or the impartial board) shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.

17. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board (or the impartial board) may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board (or the impartial board). The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.

18. The Board (or the impartial board) shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

19. The hearing may be conducted virtually, via video conference, at the direction of the Board (or the impartial board), in the event school buildings are closed to students or individuals are provided limited access to school buildings due to a serious health or other emergency. Any virtual hearing must provide the student the due process rights identified in this Subsection D.

F. ***Presence on School Grounds, on School Transportation, and Participation in School-Sponsored Activities During Expulsion:***

During the period of expulsion, the student shall not be permitted to be on school property or on school transportation, and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational opportunity provided by the District in accordance with this policy, unless the Superintendent or designee specifically provides written permission for the student to enter school property or school transportation for a specified purpose or to participate in a particular school-sponsored activity.

G. ***Stipulated Agreements:***

In lieu of the procedures used in this Section, the Superintendent or designee and the parent(s) or legal guardian(s) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parent(s) or legal guardian(s) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board (or the impartial board) rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on the student's own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Superintendent or designee and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board (or the impartial board) in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents and/or student over the age of 18 understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board (or the impartial board) rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

X. Alternative Educational Opportunities for Expelled Students

A. ***Students under sixteen (16) years of age:***

Whenever the Board expels a student under sixteen (16) years of age, it shall offer any such student an alternative educational opportunity.

B. ***Students sixteen (16) to eighteen (18) years of age:***

1. The Board shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year-old student expelled for the first or second time if the student requests it and if the student agrees to the conditions set by the Board (or the impartial board). Such alternative educational opportunity may include, but shall not be limited to, the placement of a student who is at least seventeen years of age in an adult education program. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to participation in the adult education program.

2. The Board is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a ~~second~~third, or subsequent, time.

3. The Board shall count the expulsion of a student when the student was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such student when the student is between the ages of sixteen and eighteen.

C. ***Students eighteen (18) years of age or older:***

The Board is not required to offer an alternative educational opportunity to expelled students eighteen (18) years of age or older.

D. Content of Alternative Educational Opportunity

1. For the purposes of Section X, and subject to Subsection X.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the *Standards for Educational*

Opportunities for Students Who Have Been Expelled, adopted by the Connecticut State Board of Education ("CSBE"), with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the CSBE.

2. The Superintendent or designee shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the CSBE. Such administrative regulations shall include, but are not limited to, provisions to address student placement in alternative education; individualized learning plans; monitoring of students placements and performance; and a process for transition planning.

E. ***Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):***

Notwithstanding Subsections X.A. through D. above, if the Board expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time, and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the CSBE.

F. ***Students for whom an alternative educational opportunity is not required:***

The Board may offer an alternative educational opportunity to a student for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including nature, frequency and duration of such services, of any such alternative educational opportunity.

XI. Notice of Student Expulsion on Cumulative Record

Notice of expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly

weapon, shall be expunged from the cumulative educational record by the District if the student graduates from high school.

In cases where the student's period of expulsion is shortened or waived in accordance with Section IX.D(17), above, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board. Except as may be specified by the Board in an expulsion hearing decision, the Board delegates the authority to make decisions pertaining to expungement to the Superintendent.

If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. In deciding whether to expunge the expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student. Except as may be specified by the Board in an expulsion hearing decision, the Board delegates the authority to make decisions pertaining to expungement to the Superintendent.

If the student has not previously been suspended or expelled, and the Administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.

XII. Change of Residence During Expulsion Proceedings

A. ***Student moving into the District:***

1. If a student enrolls in the District while an expulsion hearing is pending in another public school district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing. The procedures outlined above in Section IX and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233*l*, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a shall be utilized for any hearing conducted under this section.

2. Where a student enrolls in the District during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board (or the impartial board) shall make its determination pertaining to expulsion based upon a hearing held by the Board (or the impartial board), which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board. The procedures outlined above in Section IX and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233*l*, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a shall be utilized for any hearing conducted under this section.

B. ***Student moving out of the District:***

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

XIII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")

A. ***Suspension of IDEA students:***

Notwithstanding the foregoing, if a responsible administrator suspends a student identified as eligible for services under the IDEA (an "IDEA student") who has violated any rule or code of conduct of the District that applies to all students, the following procedures shall apply:

1. The responsible administrator shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to

suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.

2. During the period of suspension, the District is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the District, except as set forth in subsection (3) below.

3. If an IDEA student is being suspended and that student has already been removed from their current placement for ten (10) school days in the same school year, school personnel, in consultation with at least one of the student's teachers, must determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP, so long as the suspension does not constitute a change in placement. If the suspension constitutes a change in placement, subsection (B) below will apply.

B. ***Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:***

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the District that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the Administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in educational placement:

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parents(s)/guardian(s) a copy of the special education procedural safeguards either by hand-delivery or by mail (unless other means of transmission have been arranged).

2. The District shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for

expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of the student's disability.

3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.

4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.

5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.

6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement the responsible administrator (or designee) should consider the nature of the misconduct and any relevant educational records of the student.

C. ***Removal of Special Education Students for Certain Offenses:***

1. A responsible administrator may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

   a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds, on school transportation, or at a school-sponsored activity, or

   b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school, on school transportation, or at a school-sponsored activity; or

c. Has inflicted serious bodily injury upon another person while at school, on school premises, on school transportation, or at a school function.

2. The following definitions shall be used for this subsection XIII.C.:

a. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.

b. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).

c. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

XIV. Procedures Governing Expulsions for Students Identified as Eligible under Section 504

A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the District that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.

2. The District shall immediately convene the student's Section 504 team ("504 team") for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of the student's disability.

3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.

4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.

B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be required to meet* to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

XV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center

A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center or other residential placement.

B. If a student who committed an expellable offense seeks to return to the District after participating in a diversionary program or having been placed in a juvenile detention center or any other residential placement and such student has not been expelled by the Board for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

XVI. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XVII. Dissemination of Policy

The District shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

XVIII. **Compliance with Documentation and Reporting Requirements**

A. The District shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).

B. The District shall report all suspensions and expulsions to the State Department of Education.

C. If the Board expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the District shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.

D. If the Board expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the District shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

§ 10-15c Discrimination in public schools prohibited. School attendance by five-year olds
§ 10-16 Length of school year
§ 10-74j Alternative education
§§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act
§§ 10-222aa through 10-222kk School climate

§§ 10-233a through 10-233f Suspension and expulsion of students

§ 10-233/ Expulsion and suspension of children in preschool programs

§ 10-236c Disruptive or harmful behavior. Behavior intervention meetings for certain students. Notice to parents

§ 10-253 School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.

§ 19a-342a Use of electronic nicotine delivery system or vapor product prohibited. Exceptions. Signage required. Penalties

§ 21a-240 Definitions

§ 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing

§ 21a-278 Penalty for illegal manufacture, distribution, sale, prescription, or administration by non-drug-dependent person

§§ 21a-408a through 408p Palliative use of marijuana

§ 29-35 Carrying of pistol or revolver without permit prohibited. Exceptions

§ 29-38 Weapons in vehicles

§ 46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. Restitution

§ 53a-3 Definitions

§ 53-206 Carrying of dangerous weapons prohibited

§ 53-344 Sale or delivery of cigarettes or tobacco products to persons under twenty-one.

§ 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to persons under twenty-one years or age

~~Public Act 25-168, Sec. 261, "An Act Concerning the State Budget for the Biennium Ending June 30, 2027, and Making Appropriations Therefor, and Provisions Related to Revenue and Other Items Implementing the State Budget." (definition of "synthetically created image")~~

~~Public Act 25-93, "An Act Increasing Resources for Students, Schools and Special Education."~~

~~Public Act 25-139, "An Act Concerning Human Trafficking and Sexual Assault Victims."~~

Public Act 26-1, "An Act Concerning the Reallocation of Certain State Funds and Various Provisions Relating to Education, Public Safety, General Government, Elections, Intermediate Care Facilities and Warehouse Distribution Centers."

Public Act 26-125, "An Act Concerning the Education of Homeless Children and Youth."

Packer v. Board of Educ. of the Town of Thomaston, 717 A.2d 117 (Conn. 1998).
State v. Hardy, 896 A.2d 755 (Conn. 2006).
State v. Guzman, 955 A.2d 72 (Conn. App. Ct. 2008).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted January 3, 2018.

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*18 U.S.C. § 921 (definition of "firearm")
18 U.S.C. § 930(g)(2) (definition of "dangerous weapon")
18 U.S.C. § 1365(h)(3) (identifying "serious bodily injury")
21 U.S.C. § 812(c) (identifying "controlled substances")
34 C.F.R. § 300.530 (defining "illegal drugs")
Gun-Free Schools Act, 20 U.S.C. § 7961
Honig v. Doe, 484 U.S. 305 (1988)
U.S. Department of Education Office for Civil Rights, U.S. Department of Justice Civil Rights Division, *Resource on Confronting Racial Discrimination in Student Discipline (May 2023)*
Take It Down Act, Public L. 119-12
McKinney Vento Homeless Assistance Act, 42 U.S.C. § 11343a, revised to December 23, 2022.

Approved: February 18, 2025 NEW MILFORD PUBLIC SCHOOLS
Revised: April 28, 2026 New Milford, Connecticut

ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

I. Applicability of these Administrative Regulations

These administrative regulations shall apply in cases when, pursuant to state law, a student in the New Milford Public Schools (the "District") is entitled to an alternative educational opportunity during a period of expulsion.

II. Responsible Personnel

The administrator responsible for a school program ("responsible administrator") from which the student has been expelled, or designee(s), shall maintain responsibility for compliance with these administrative regulations relative to the individual student who is being provided with the alternative educational opportunity.

III. Student Placement Procedures

A. After a student has been expelled, and unless extraordinary circumstances exist, the responsible administrator, or designee(s), will take the following steps:

1. Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).

2. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.

3. After placement options have been shared with the parent(s)/guardian(s), convene a placement meeting at which all alternative educational opportunities are explored and a placement decision is made.

B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's Planning and Placement Team ("PPT"). In such case, Subsection A above shall not apply.

IV. Individualized Learning Plan

A. Development of the Individualized Learning Plan

After the student has been accepted into an alternative educational placement, the responsible administrator, or designee, will develop an Individualized Learning Plan ("ILP") that will govern the programming for the student for the period of expulsion. To develop the ILP, the responsible administrator, or designee, will collaborate with school personnel from the school or program from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

B. Contents of the Individualized Learning Plan

1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:

a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);

b. Individualized education program ("IEP");

c. Section 504 Plan;

d. Individualized health care plan or emergency care plan; and/or

e. Other relevant academic and behavioral data.

2. The ILP will address the following:

a. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student's core classes at the time of expulsion and the student's current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board's academic program and earn graduation credits, if applicable;

b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;

c. Provision for the timing and method for reviewing the student's progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student's progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student's progress and grades will also be reported to the school or program from which the student was expelled;

d. Provision for the timely transfer of the student's records both from the student's school or program to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school or program; and

e. The possibility of early readmission to the school or program from which the student was expelled and the early readmission criteria, if any, established by the Board or Superintendent, as applicable.

V. Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

A. A review of the appropriateness of the placement must occur at least once per marking period.

B. The placement review must include:

1. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and

2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board or Superintendent, as applicable.

VI. Transition Plan for Readmission

A. Before a student is readmitted to the school or program from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the responsible administrator, or designee, should consider:

1. Efforts to readmit the student at a semester starting point (at the high school level);

2. A plan to transfer the student's credits and records back to the school or program from which the student was expelled:

a. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school or program from which the student was expelled;

b. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.

3. The student's need for academic and other supports upon returning to school; and

4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.

B. In the event the responsible administrator, or designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school or program from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with the procedures ~~outlined~~outlines in these Administrative Regulations.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled* (January 3, 2018).

Approved: June 20, 2023
Revised: February 18, 2025
Revised: April 28, 2026
Revised:

NEW MILFORD BOARD OF EDUCATION
25 Sunny Valley Road, Suite A
New Milford, CT 06776

(Date)**CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL**
(Parent) (If the Student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s)).(Parent's/Student's Address)

(Non-custodial Parent, if applicable)(Parent's Address) Re: Expulsion Hearing Concerning Student Name; D.O.B.; State-Assigned Student Identifier (SASID)
Dear ***(Parent/Guardian)***:

In accordance with the ***(name of district)*** Board of Education Policy ***(policy # & title)***, I am writing to advise you that the ***(name of district)*** Board of Education (the "Board") will hold a formal hearing concerning your child***, (name of student)*** to consider the recommendation of ***(name of administrator)*** that your child be expelled from school. [***In cases where the district uses an impartial hearing board, add the following: Please be advised that the Board has appointed Attorney [Name(s)], to serve as an impartial hearing board in this matter.]*** This hearing is being held pursuant to Section 10-233d ***[In cases where a preschool student is recommended for expulsion, add the following: and Section 10-233l]*** and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the ***(name of district)*** Board Policy ***(policy # & title)***, a copy of which is enclosed. The Board ***(OR the impartial hearing board)*** intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your child (***for on or off-campus conduct***: violated Board Policy ***cite Student Discipline Policy number and any other specific policy number*** on ***date*** and seriously disrupted the educational process) (***and/or, for on-campus conduct*****:** endangered persons or property) by engaging in the following conduct:

> ***(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.***
>
> ***Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).***

(If the student has admitted to this conduct, note the admission here).

The hearing has been scheduled for (***date, time, place [note: unless an emergency exists, this notice must be given to the student/parent/guardian***

at least five (5) business days before the hearing, not including the day of such hearing]). (If a manifestation determination must be held prior to the expulsion hearing, add the following language: Prior to the expulsion hearing, your child's [planning and placement (PPT) team OR Section 504 team] will determine if your child's conduct constitutes a manifestation of the child's disability. The expulsion hearing will be canceled if the [PPT OR Section 504 team] determines that the conduct was a manifestation of your child's disability; otherwise, the hearing will proceed as scheduled. You and your child are asked to attend this hearing. Your child has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board ***(OR the impartial hearing board)*** may also question witnesses. An opportunity will also be given for the administration and your child or your child's representatives to present argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

Unless the administration has determined that an emergency exists, you have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation. If you would like to request a postponement, please let me know as soon as possible.

The administration may recommend expulsion from school for up to one calendar year. The Board ***(OR the impartial hearing board)*** has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your child has a right to be represented, at your own expense, by an attorney or other advocate at the expulsion hearing. Obtaining an attorney or other advocate is the responsibility of the family. Very low income families may be able to obtain free or reduced rate advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your child is expelled as a result of the scheduled hearing, and your child is under sixteen (16) years of age, the Board will offer your child an alternative educational opportunity during any period of exclusion from school as determined by the Administration in accordance with applicable law and Board policy. If your child is between sixteen (16) and eighteen (18) and ~~has not been expelled before,~~is expelled for the first or second time, the Board shall also offer to your child an alternative educational opportunity if your child wishes to continue their education. Please know however, that the Board is not required to offer an alternative educational opportunity to any student between sixteen (16) and eighteen (18) years of age who ~~have previously been expelled~~has been

expelled more than twice or to students who are eighteen (18) years of age or older.

If you have any questions, please call my office at (***number)***.

Sincerely,

(Name of Superintendent)
(Name of District) Public Schools

Cc: ***(Name of District)***, Chairman, ***(Name of District)*** Board of Education
(Name of Special Education Director, where applicable)
(Name of Responsible Administrator at school that student attends)
(Name of Board of Education Attorney, where applicable)
(Name of Administration's Attorney, where applicable)

AGREEMENT

NAME OF SUPERINTENDENT, (Superintendent of Schools for ~~New Milford Public Schools~~NAME OF DISTRICT), NAME OF STUDENT and NAME(S) OF PARENT(S)/GUARDIAN(S) (the parent(s)/guardian(s) of NAME OF STUDENT) agree as follows with respect to the Superintendent's request that NAME OF STUDENT be expelled from _____ School:

1. NAME OF STUDENT (D.O.B. _____; SASID) is currently enrolled as a _____ grade student at _____ School.

2. NAME OF STUDENT admits having engaged in the following conduct *(insert a short, plain statement of the conduct)* on or about _____, 20__.

3. NAME OF STUDENT's conduct, as described above, violates _____ Board of Education Policy _____ (Student Discipline) *(Cite other policies here as appropriate)*, and is considered by the district administration to be seriously disruptive of the educational process*. (For conduct that occurs on school grounds,* on school transportation, *or at a school-sponsored activity, you may alternatively or additionally state whether such conduct is considered to endanger persons or property). (If the student has admitted to this conduct, note the admission here).*

4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.

5. (*Optional Section for students with disabilities*): A manifestation determination was made on *(date)* concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability.

6. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.

7. Subject to the approval of the _____ Board of Education (the "Board"), NAME OF STUDENT shall be expelled, effective _____, 20__ and continuing through _____, 20____, under the following conditions:

   a) During the period of expulsion, the Board will provide NAME OF STUDENT with an alternative educational opportunity deemed appropriate by the Administration in accordance with applicable law and Board policy.

   (Optional alternative language if the parties agree to an alternative educational opportunity other than that required by the state standards:

   The NAME OF PARENT(S) and NAME OF STUDENT understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes, NAME OF STUDENT is entitled to an alternative educational opportunity during the Expulsion Period which shall be (1) alternative education, as defined by Section 10-74j of the Connecticut General Statutes,

with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education, pursuant to section 3 of public act 17-220 (a "Statutory Alternative Educational Opportunity"). The NAME OF PARENT(S) and NAME OF STUDENT hereby waive NAME OF STUDENT's right to a Statutory Alternative Educational Opportunity and accordingly waive the application of the *Standards of Educational Opportunities for Students Who ~~Have~~eave Been Expelled*, adopted by the Connecticut State Board of Education, and the Board's Administrative Regulations concerning the implementation of said standards. In lieu of a Statutory Alternative Educational Opportunity, the NAME OF PARENT(S) and NAME OF STUDENT agree that during the Expulsion Period, the Board will provide NAME OF STUDENT with an alternative educational opportunity as follows:

[*Describe alternative educational opportunity agreed to by parties.*]

If NAME OF STUDENT becomes ineligible to attend the _____ Public Schools pursuant to Board Policy and/or if the Parents withdraw NAME OF STUDENT from enrollment as a student at [name of school], the Board will have no obligation to provide NAME OF STUDENT with the alternative educational opportunity described herein.

b) During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds or school transportation, and will not be permitted to attend or participate in any school-sponsored activities, except as authorized in writing in advance by the Superintendent of Schools.

(Optional Sections regarding early readmission):

c) Prior to _____, the Superintendent will review NAME OF STUDENT's conduct, attendance and effort level in the alternative educational opportunity [list other conditions as applicable], for the purpose of determining, in the Superintendent's sole discretion, whether NAME OF STUDENT should be readmitted to school on or about _____.

d) If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if NAME OF STUDENT subsequently commits any offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT's expulsion for the remainder of the expulsion period, through *(date)*, without the need for any further proceedings before the Board.

(Optional Section for expungement if the expulsion is the student's first expulsion):

e) Prior to *(date)*, the Superintendent will review NAME OF STUDENT's conduct, attendance and effort level since the expulsion, for the purpose of determining, in the Superintendent's sole discretion, whether the expulsion hearing record of NAME OF

STUDENT should be expunged from NAME OF STUDENT's educational record as of *(date)*.

(Optional Section for Homeless Child or Youth)

f) The Board has developed the following plan of interventions and supports to mitigate the impact of homelessness on NAME OF STUDENT's behavior _____.

8. All parties to this Agreement request that this Agreement be presented to the Board for the Board's consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or NAME OF STUDENT's parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.

9. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes and Board Policy, NAME OF STUDENT is entitled to an expulsion hearing before the _____ Board of Education to contest NAME OF STUDENT's proposed expulsion from the _____ Public Schools. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) further understands and acknowledges that at such hearing NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) would have the right to call witnesses and to introduce documentary evidence, to cross examine witnesses called by the Administration, and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive NAME OF STUDENT's right to an expulsion hearing pursuant to Section 10-233d of the Connecticut General Statutes.

10. The Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent's expulsion request. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.

11. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

_____ Date:_____

NAME OF SUPERINTENDENT
Superintendent of Schools

_____ Date:_____
NAME OF STUDENT
Student

_____ Date:_____
NAME OF PARENT/GUARDIAN
OF STUDENT

_____ Date:_____
NAME OF PARENT/GUARDIAN
OF STUDENT

Note: This is a sample Individualized Learning Plan drafted in accordance with the* Standards for Educational Opportunities for Students Who Have Been Expelled*, which was approved by the State Board of Education on January 3, 2018. The specific goals and benchmarks can be customized to meet the needs of individual students.

New Milford Public Schools
Individualized Learning Plan

Student Name: _____ **Date of Birth:** _____ **Gr.** _____

School/Program Prior to Expulsion: **SASID:** _____

_____

Does the student have an Individualized Education Program? ☐ Yes ☐No

Does the student have a Section 504 Plan? ☐ Yes ☐No

Records Reviewed with Relevant Information for the Provision of an Alternative Educational Opportunity	
☐ Student Success Plan	☐ Report Cards and Current Grades
☐ Individualized Education Program (IEP)	☐ Attendance Records
☐ Behavioral Intervention Plan (BIP)	☐ Disciplinary/Behavioral Records
☐ Section 504 Plan	☐ Other: _____
☐ Individualized Health Care Plan/Emergency Care Plan	☐ Other: _____
ILP Developed Through Collaboration With (check all that apply):	
☐ Parent/Guardian: _____	☐ Teacher: _____
☐ Parent/Guardian: _____	☐ Teacher: _____
☐ Student: _____	☐ Other (specify): _____
☐ Administrator: _____	☐ Other (specify): _____
☐ School Counselor:_____	☐ Other (specify): _____
Records Transferred	
Date of transfer of relevant student records from the student's school/program to provider of alternative educational opportunity: _____	Date of transfer of records from provider of alternative educational opportunity to the student's school/program: _____

Records Distribution and Storage
Copies of the Individualized Learning Plan will be distributed to the following locations and/or individuals and stored in accordance with the District's student records policy:
☐ Student's cumulative file ☐ The Student's receiving school or alternative educational placement ☐ Student's parent/guardian

[Note: Districts should insert or delete locations where this record may be kept in accordance with their student records policies and practices]

Student's Classes Prior to Expulsion	
Core Class	**Placement/Progress in Class at Time of Expulsion** *(e.g. current grade, current unit, etc.)*

Note: If the student receives special education and related services, the alternative educational opportunity provider must also refer to the student's IEP.

NEEDS

Academic Needs
☐ See IEP *(if applicable)*
☐ Other:

Behavioral Needs
☐ See IEP *(if applicable)*
☐ Other:

GOALS

Academic Goals		
☐ See IEP *(if applicable)*	☐ Satisfactory work completion	☐ Satisfactory progress in coursework and toward meeting relevant academic standards
☐ Other:		

Benchmarks to Measure Progress Toward Academic Goals		
☐ See IEP *(if applicable)*	☐ Passing grades on midterm progress reports	☐ Passing grades on report card
☐ Other:		
Progress monitoring *mm/dd/yy:*		

Behavioral Goals		
☐ See IEP *(if applicable)*	☐ Satisfactory attendance	☐ Satisfactory compliance with behavioral expectations and disciplinary policies
☐ Other:		

Benchmarks to Measure Progress Toward Behavioral Goals		
☐ See IEP *(if applicable)*	☐ Fewer than _____ teacher referrals to administration for disciplinary matters	☐ Fewer than _____ contacts to parents/guardians for disciplinary matters
☐ Attends alternative program _____% or more of scheduled days/sessions.	☐ Other:	
Progress monitoring *mm/dd/yy:*		

INTERVENTIONS

Academic Interventions	
☐ See IEP *(if applicable)*	☐ See Section 504 Plan *(if applicable)*
☐ Tier 1 _____	☐ Tier 2 _____
☐ Tier 3 _____	
☐ Other:	

Behavioral Interventions	
☐ See IEP *(if applicable)*	☐ See Section 504 Plan *(if applicable)*
☐ Tier 1 _____	☐ Tier 2 _____
☐ Tier 3 _____	
☐ Other:	

Review and Communication of Progress to Parents/Guardians or Student

Method of monitoring and review: *(for most students, monitoring and reviewing progress will include monitoring the student's attendance, work completion, and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable)*

Monitoring attendance
Monitoring work completion
Monitor progress toward meeting relevant academic standards
Review and monitor progress in accordance with IEP and/or BIP (if applicable)
Other: _____

Timing for communication of progress to parents/guardians or student: *(Progress must be communicated to the parent/guardian or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students)*

Each marking period
Other: _____

Early Readmission

The expulsion decision contains the following early readmission criteria:

☐ The student may apply to the Board of Education for early readmission and such readmission shall be at the discretion of the Board of Education.

The student applied to the Board of Education for early readmission on _____ and the Board of Education granted the request and has conditioned such early readmission on the following criteria:

The student applied to the Board of Education for early readmission on _____ and early readmission was not granted.

☐ The student may apply to the Superintendent for early readmission and such readmission shall be at the discretion of the Superintendent.

The student applied to the Superintendent for early readmission on _____ and the

Superintendent granted the request and has conditioned such early readmission on the following criteria:

The student applied to the Superintendent for early readmission on _____ and early readmission was not granted.

Review of Placement and ILP:

A review of the appropriateness of the placement must occur at least once per marking period. Such review must include:

- Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable.
- Consideration of opportunities for early readmission as set forth in the ILP (see Early Readmission section)

Transition Plan for Readmission:

The following has been considered and, where appropriate, addressed:

Efforts to readmit the student at a semester starting point (at the high school level)

☐ A plan to transfer the student's credits and record back to the student's school/program

☐ The student's need for academic and other supports upon returning to school/program

☐ Efforts to connect the student with opportunities to participate in extracurricular activities

TRANSPORTATION

I. Statement of Policy

The Board of Education will provide transportation for students under provisions of state law and regulations. In determining the provision of transportation, the superintendent of schools shall consider the guidelines contained in this policy and shall administer the operation so as to:

1. provide for the safety of students, including consideration of hazardous conditions whether or not described in this policy;

2. provide for appropriate supervision for students while on school transportation, consistent with the Board's student discipline policy; and

3. assist disabled students by providing appropriate specialized transportation when required by law.

II. Definitions

1. "School transportation" means the procedure, program, or implemented plan by which a pupil is transported to and/or from school from the pupil's residence or the assigned bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved and maintained by the municipality or the state of Connecticut, or private roads approved pursuant to C.G.S. Section 10-220c.

2. "Walking distance" means the linear measure of a prescribed or authorized pedestrian route between the pupil's residence and the pupil's school from a point at the curb or edge of a public or private road nearest the pupil's residence to a point at the entrance of the school, or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus pick-up area, or the route from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the New Milford Board of Education.

3. "One mile walking distance" means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.

4. "Grade K" means kindergarten, or a school program appropriate to a beginning pupil.

5. "Hazard" means a thing or condition, as prescribed in this policy under "Hazardous Conditions" that affects the safety of pupils walking to or from school and/or to or from a designated bus pick-up area.

6. "Sidewalk" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any white line safety markings along the street pavement.

7. "Raised walk area" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.

8. “Walking route” means the route that the student is expected to travel between his/her residence to and from school and/or an assigned bus stop.

9. “Bus stop” shall be defined as a geographical location designated by the Board of Education, school administration or their designee where students can safely wait for purposes of embarking or disembarking a school bus.

10. "Pupil" means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

III. Provision of Transportation

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. If parents volunteer, and the administration permits, parents may be reimbursed for transportation of eligible students whenever such practice is more economical or convenient for the school district.

In determining the provision of transportation for resident public and eligible private school students, the following guidelines regarding walking distances will be considered. Distance measurements will be based on the most direct route from the student's home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pickup areas.

Grade	Limit
K-2	0.5 mile
3-8	1 mile
9-12	1.5 miles

Students living within the stated distance limits will receive transportation when, in the opinion of the Superintendent of Schools, it is in the best interests of the district to provide transportation.

IV. Access to Bus Stops/Transportation and Behavior

Parents and/or guardians are responsible for ensuring the safety of their children up until the point when students board the school bus or other school provided transportation, and after students get off the bus after school. This responsibility includes the selection of walking routes to/from any bus stop and/or the school building, compliance with health and safety precautions at the bus stop and along walking routes, and the provision of supervision that is appropriate to the student's age, maturity and conditions along the walking route and/or at the bus stop at all times.

Given that bus pick up times may vary, the Board expects that parents and/or guardians will ensure that their children arrive at the bus stop in advance of any scheduled pick up time.

Students accessing school transportation are expected to behave in an appropriate manner, in accordance with all school rules and regulations. The Board's policies and procedures concerning student discipline shall apply to student behavior while accessing student transportation.

V. Hazardous Conditions

The administration shall consider the following guidelines for hazardous conditions when making decisions regarding the transportation of children:

1. Except as provided in Paragraph 7 of this Section, a street or road, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exist:

   a) For pupils under age ten, or enrolled in grades K through 2:
      (i) the absence of a pedestrian crossing light or crossing guard where three or more streets intersect, and a pupil is expected to cross the street; OR
      (ii) street crossings where there are no stop signs or crossing guards and the traffic count during the time that pupils are walking to or from school exceeds sixty vehicles per hour at the intersection, and a pupil is expected to cross the street.

   b) For pupils r enrolled in grades 3 through 12, the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect which has a traffic count which exceeds ninety vehicles per hour during the time that pupils are walking to or from school, and such pupils are expected to cross the street;

c) For all pupils:
   (i) any street, road, or highway with speed limits in excess of forty miles per hour which does not have pedestrian crossing lights or crossing guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop; OR

   (ii) the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisances which are hazardous or attractive to children.

2. Any street, road, or highway, along a designated walking route to or from school and/or to or from a designated bus pick-up area, that has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:

a) For pupils enrolled in grade K through 2:
   (i) any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from school; OR
   (ii) any street, road, or highway possessing a speed limit in excess of thirty miles per hour.

b) For all pupils:
   (i) the presence of human-made hazards including attractive nuisances, as stated in 1(c)(ii) above; OR

   (ii) any roadway available to vehicles that does not have a minimum width of approximately twenty-two feet; OR

   (iii) any roadway available to vehicles that, when plowed free of snow accumulations, does not have a minimum width of approximately twenty feet; OR

   (iv) any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.

3. Any walkway, path, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between pupils and the track; and any crossing of railroad tracks

carrying moving trains during hours that pupils are walking to or from school or to and from a designated bus pick-up area shall be deemed hazardous unless:

a) a crossing guard is present; OR

b) for pupils enrolled in K-2, an automatic control bar is present at crossings; OR

c) for pupils enrolled 3-12, a bar or red flashing signal light is operational.

4. For pupils in grades K through 5, the following conditions shall be deemed hazardous:

a) a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the pupil and the water; OR

b) any area adjacent to a roadway, sidewalk, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having a drop of three or more feet per four feet of travel length on either side of the established lanes, in the absence of a fence or other suitable barrier.

5. For pupils in grades K through 5 walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous.

6. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route which passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.

7. It shall not be a "hazard" or "hazardous condition" for a pupil whose residence abuts a public street, road or highway to (1) wait for the bus on the private property where the pupil resides for the school bus, until the school bus's flashing red lights are activated to stop traffic so that the student can enter onto or cross the public street, road or highway to get on a school bus; or (2) exit a school bus that is stopped on the public street, road or highway, when the bus's flashing red lights are activated to stop traffic so that the pupil can enter onto or cross such street, road or highway to access the private property where the pupil resides.

VI. Applicability and Exceptions

1. This policy is applicable to public road approved and maintained by the municipality or state of Connecticut, or private roads approved for passage

of school transportation vehicles in accordance with C.G.S. Section 10-220c.

2. Special Education pupils and pupils eligible for accommodations under Section 504 of the Rehabilitation Act shall be judged on an individual basis, and appropriate transportation provided.

3. The Superintendent of Schools may grant an exception to any guideline set forth in this policy where a peculiar condition or combination or conditions renders such condition(s) a hazard based upon reasonable judgment; or where under the circumstances, other conditions exist under which the safety of students necessitates a variance with the guidelines within this policy.

VII. Complaint Procedure

1. All complaints concerning school transportation safety shall be made in writing to the Superintendent of Schools or designee. The Superintendent or designee shall maintain a written record of all such complaints, and shall conduct appropriate investigations of the allegations in a timely manner. The investigation shall include 1) the review of the complaint raised with appropriate personnel responsible for transportation of students and 2) the opportunity for the parent or other person making the complaint to meet with the Superintendent to discuss the complaint and any possible resolution thereof.

2. Annually, within thirty (30) business days of the end of the school year, the Superintendent of Schools or designee shall provide the Commissioner of Motor Vehicles ("Commissioner") with a copy of the written record of complaints received during the previous twelve (12) month period.

3. The Superintendent of Schools or designee shall make a written report of the circumstances of any accident within the Board's jurisdiction and knowledge, involving a motor vehicle and any pedestrian who is a student, which occurs at a designated school bus stop or in the immediate vicinity thereof, to the Commissioner within ten (10) business days thereafter on a form prescribed by the Commissioner.

4. If a complaint covered by Section 10-186 of the Connecticut General Statutes, and is not resolved by the Superintendent, the Superintendent shall inform parent or guardian, or an emancipated minor or a pupil eighteen years of age or older, of the right to request a hearing regarding the complaint. Such hearing, if requested, shall be held in accordance with Section 10-186 of the Connecticut General Statutes, as it may be amended from time to time.

Legal Reference: Connecticut General Statutes

10-186 Duties of local and regional boards of education re: school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers.
10-187 Appeal from finding of hearing board.
10-220 Duties of boards of education.
10-220c Transportation of children over private roads. Immunity from Liability.
10-221c Development of policy for reporting complaints regarding school transportation safety.
10-273a Reimbursement for transportation to and from elementary and secondary schools.
10-280a Transportation for students in non-profit private schools outside school district.
10-281 Transportation for pupils in nonprofit private schools within school district.
14-275 Equipment and color of school buses.
14-275b Transportation of mobility impaired students.
14-275c Regulations re: school buses and motor vehicles used to transport special education students.

Policy approved: June 20, 2023

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Note: In its five-year strategic plan for fiscal years 2026 through 2030, Connecticut's Occupational Safety & Health Division ("CONN-OSHA"), which has jurisdiction over Connecticut school districts, has designated elementary and secondary schools as "targeted high-hazard industries," signaling a focused commitment to school safety and health enforcement. In light of these developments, we have revised our model Administrative Regulations Regarding Occupational Safety and Health (Bloodborne Pathogens), which identify covered employers' obligations to minimize occupational exposure to bloodborne pathogens.

School districts are advised that adoption of the model administrative regulations *does not satisfy* OSHA or CONN-OSHA's requirements. Instead, as explained in the model document, each district must establish a written exposure control plan for bloodborne pathogens in accordance with applicable law. Because exposure control plans must be customized to reflect district-specific operations, facilities and personnel, we have discontinued our model exposure control

Series 4000 **4147.1 R**
Personnel **4247.1 R**

ADMINISTRATIVE REGULATIONS REGARDING OCCUPATIONAL SAFETY AND HEALTH (BLOODBORNE PATHOGENS)

The New Milford Board of Education (the "Board") is committed to promoting a safe and healthful work environment for its staff.

In pursuit of this goal, and in accordance with United States Department of Labor, Occupational Safety and Health Administration ("OSHA") regulations relating to occupational exposure to bloodborne pathogens as enforced in Connecticut public schools by the Connecticut Department of Labor, Occupational Safety and Health Division ("CONN-OSHA"), the New Milford Public Schools (the "District") shall establish a written exposure control plan for bloodborne pathogens ("Exposure Control Plan") in accordance with applicable law. Such Exposure Control Plan shall be designed to eliminate or minimize employee exposure to bloodborne pathogens. The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

In accordance with applicable law, the District will take reasonably necessary actions to protect those employees identified by the District as employees with occupational exposure to blood or other potentially infectious materials that may result from the performance of the employee's duties ("At-Risk Employees").

The District shall provide training to At-Risk Employees at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Such

training shall be provided at no cost to the employee and during working hours. The District shall also provide personal protective equipment to At-Risk Employees.

The District shall make available (1) the hepatitis B vaccine and vaccination series to all At-Risk Employees, and (2) post-exposure evaluation and follow-up to all employees who have had an exposure incident. Such vaccination will be provided at no cost to At-Risk Employees. The District shall assure that employees who decline to accept the hepatitis B vaccination offered by the District sign a hepatitis B vaccine declination statement. *See* Appendix A.

The District shall maintain training records for each At-Risk Employee upon completion of training; medical records for each employee with occupational exposure, as required by applicable law; injury logs pursuant to OSHA's recordkeeping requirements; and a sharps injury log.

Legal References:

29 C.F.R. Part 1904	Recording and reporting occupational injuries and illnesses
29 C.F.R. §1910.1030	Bloodborne pathogens
Conn. Gen. Stat. § 10-203	Compliance with public health statutes and regulations
Conn. Gen. Stat. § 31-367 *et seq.*	Occupational Safety and Health Act
Regs. Conn. State Agencies § 31-374-1	Reporting and recordkeeping standards
Regs. Conn. State Agencies § 31-372-101-1910 (adopting 29 C.F.R. §1910.1030)	

Regulation approved: August 15, 2023
Regulation revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

APPENDIX A

HEPATITIS B VACCINE DECLINATION

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee Name:_____

Employee Signature:_____Date: _____

APPENDIX B

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

I. Definitions

A. **Contaminated Sharps**: any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

B. **Engineering Controls**: controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

C. **Work Practice Controls**: controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

II. Exposure Determination

A. Category I: Those personnel who come in direct contact with blood and body fluids for which precautions must be taken.

B. Category II: Personnel who participate in activities without blood exposure but exposure may occur in an emergency.

C. Category III: Personnel performing tasks that do not entail predictable or unpredictable exposure to blood.

1. School nurses or nurse practitioners assisting and treating injured students may come in contact with blood and other bodily fluids (Category I).

2. School staff, including physical education teachers, OT, PT, general aides, technical instructors, athletic coaches and principals may come in contact with blood and other bodily fluids in the performance of their jobs in treating injured students (Category I).

3. Special education teachers and aides in self-contained and behavioral programs, nursing program students, and custodial staff, and other staff who substitute for them, may have to clean up after injured persons where they may come in contact with blood and other bodily fluids (Category I).

4. All staff certified in first aid may have contact with blood in an emergency (Category II).

III. Methods of Compliance

A. Avoid direct contact with blood, bodily fluids or other potentially infectious materials - use gloves.

B. Contaminated needles and other contaminated sharps shall not be bent, recapped or removed. Shearing or breaking of contaminated needles is prohibited.

C. Contaminated reusable sharps shall be placed in containers that are puncture resistant, leakproof, color-coded or labeled in accordance with Section X of this plan and shall not require employees to reach by hand into the container.

D. Protective gloves will be worn if you have any open wounds on your hands. If there is any doubt in your mind regarding some contact with blood or bodily fluids - use gloves.

E. Wash hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

F. If you become contaminated, wash that area immediately with a strong antiseptic soap or solution.

G. If clothing becomes contaminated with blood or body fluids, it should be placed in a bag labeled in accordance with Section X of this plan and placed in a contaminated clothing container for proper cleaning and/or discarding.

H. Any areas of the school that may become contaminated will be washed with a strong solution of bleach and water or other appropriate disinfectant; rubber gloves, sanitary suit, face and eye protection, and long handled scrub utensils should be used.

I. All locker rooms, restrooms, and nurses' offices will be cleaned daily using disinfectant. Custodial staff members are required to wear rubber gloves and use long-handled scrubbing utensils during these cleaning procedures at these locations.

J. When a spill occurs, the building administrator or his/her designee will limit access to areas of potential exposure and notify the staff and students. The janitorial staff will be notified to immediately clean the area.

K. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering and generation of droplets of these substances.

L. Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

M. Specimens of blood or other potentially infectious materials shall be placed in a container labeled in accordance with Section X of this plan, which prevents leakage during collection, handling, processing, storage, transport, or shipping.

IV. Preventative Measures

The Superintendent or his/her designee shall use engineering and work practice controls to eliminate or minimize employee exposure, and shall regularly examine and update controls to ensure their effectiveness.

V. Hepatitis B Vaccination

A. The hepatitis B vaccination series shall be made available at no cost to all Category I employees. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, or antibody testing has revealed that the employee is immune, or vaccination is contraindicated by medical reasons.

B. Employees who decline to accept the vaccination shall sign the hepatitis B vaccination declination statement.

VI. Training for Exposure Control

A. Each year, all at risk personnel will be supplied with written materials relating to precautions, risks, and actions to take if contaminated by blood or other body fluids containing the following:

(1) An accessible copy of the regulatory text of the OSHA standards regarding bloodborne pathogens and an explanation of its contents;
(2) A general explanation of the epidemiology and symptoms of bloodborne diseases;
(3) An explanation of the modes of transmission of bloodborne pathogens;
(4) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;
(5) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

(6) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;
(7) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;
(8) An explanation of the basis for selection of personal protective equipment;
(9) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;
(10) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;
(11) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
(12) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;
(13) An explanation of the signs and labels and/or color coding; and
(14) An opportunity for interactive questions and answers with the person conducting the training session.

VII. Reporting Incidents

A. All exposure incidents shall be reported as soon as possible to the School Nurse Coordinator and Director of Special Services and Pupil Personnel.

B. All at risk personnel who come in contact with blood and body fluids in the performance of their duties will take steps to safeguard their health.

VIII. Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or his/her designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation and follow-up. He or she shall at a minimum:

A. Document the route(s) of exposure and the circumstances under which the exposure incident occurred;

B. Identify and document the source individual, unless that identification is infeasible or prohibited by law;

C. Provide for the collection and testing of the employee's blood for HBV and HIV serological status;

D. Provide for post-exposure prophylaxis, when medically indicated as recommended by the U.S. Public Health service;

E. Provide counseling and evaluation of reported illnesses;

F. The Superintendent or designee shall provide the health care professional with a copy of the OSHA regulation; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the school relevant to the appropriate treatment of the employee, including vaccination status; and

G. The school shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation.

IX. Records

A. Upon an employee's initial employment and at least annually thereafter, the Superintendent or his/her designee shall inform employees with occupational exposure of the existence, location and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records.

B. Medical records for each employee with occupational exposure shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law.

C. Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place and manner, no later than 15 days after the request is made.

D. Records shall be maintained as follows:

1. Medical records shall be maintained for the duration of employment plus 30 years.

2. Training records shall be maintained for three years from the date of training.

3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.

4. Exposure records shall be maintained for 30 years.

5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

X. Labels

A. Warning labels shall be affixed to containers used to store, transport or ship blood or other potentially infectious material.

B. Labels shall include the following:



BIOHAZARD

C. The labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.

D. Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

E. Labels required for contaminated equipment shall be in accordance with this paragraph and shall also state which portions of the equipment remain contaminated.

Legal References:

29 C.F.R. § 1910.1030 OSHA Bloodborne pathogens standards

Note: In connection with Public Act 26-3, which includes various changes to the public health laws concerning vaccines, these Administrative Regulations Regarding Immunizations have been revised to identify that school districts must rely on the schedules of immunizations published by the Connecticut Commissioner of Public Health (the "Commissioner") when determining whether a student has the required immunizations for school attendance. Also, language concerning the specific doses required for certain immunizations has been removed because those doses are included in the Commissioner's published immunization schedule. This revision also includes an updated link to the immunization schedule and updated legal references.

Series 5000 **5141.221 R**
Students

ADMINISTRATIVE REGULATIONS REGARDING IMMUNIZATIONS

I. Immunization Requirements

In accordance with state law, the New Milford Public Schools (the "District") requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B, hepatitis A, hepatitis B, varicella, pneumococcal diseases, meningococcal disease and any other vaccine required by the schedule for immunization as determined by the Commissioner of Public Health pursuant to Conn. Gen. Stat. § 19a-7f, before being permitted to enroll in any program or school under its jurisdiction. Adequate immunization shall be determined by the District in accordance with applicable Connecticut law and the immunization requirements for students in Connecticut schools published or otherwise transmitted by the Commissioner of Public Health.

By January 1 of each year, children aged 24-59 months enrolled in the District's preschool program must show proof of receipt of at least one dose of influenza vaccine between August 1 and December 31 of the preceding year. All children aged 24-59 months who have not received vaccination against influenza previously must show proof of receipt of two doses of the vaccine the first influenza season that they are vaccinated. Children seeking to enroll in the District's preschool program between January 1 and March 31 are required to receive the influenza vaccine prior to being permitted to enter the program. Children who enroll in the preschool program after March 31 of any given year are not required to meet the influenza vaccine requirement until the following January.

Exemption from the applicable requirements of these administrative regulations shall be granted to any child who, before being permitted to enroll:

(1) presents a certificate from a physician, physician assistant, advanced practice registered nurse or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process:

(A) under guidelines and schedules specified by the Commissioner of Public Health; or

(B) in the case of a child enrolled in a preschool program or other prekindergarten program who, prior to April 28, 2021, was exempt from the applicable immunization requirements upon presentation of a statement that such immunizations would be contrary to the religious beliefs of such child or the parents or guardian of such child, as such additional immunizations are recommended, in a written declaration, in a form prescribed by the Commissioner of Public Health, for such child by a physician, a physician assistant or an advanced practice registered nurse. Such statement of religious beliefs shall be acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of this state, or a school nurse; or

(2) presents a certificate, in a form prescribed by the Commissioner of Public Health pursuant to Connecticut General Statutes § 19a-7q, from a physician, physician assistant, or advanced practice registered nurse stating that in the opinion of a such physician, physician assistant, or advanced practice registered nurse such immunization is medically contraindicated because of the physical condition of such child; or

(3) in the case of measles, mumps or rubella, presents a certificate from a physician, physician assistant or advanced practice registered nurse or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or

(4) in the case of haemophilus influenzae type B, has passed such child's fifth birthday; or

(5) in the case of pertussis, has passed such child's sixth birthday.

II. Exemptions Based on Religious Beliefs

A. <u>Children Enrolled in Kindergarten Through Twelfth Grade On or Before April 28, 2021</u>

The immunization requirements set forth in Section I of these administrative regulations **shall not apply** to any child who is enrolled in kindergarten through twelfth grade on or before April 28, 2021 if:

1. such child presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and

2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

B. Students Who Transfer from Another Public or Private School in Connecticut

The immunization requirements set forth in Section I of this policy **shall not apply** to any student who:

1. transfers to the District from another public or private school in Connecticut, and

2. was enrolled in kindergarten through twelfth grade in the other public or private school on or before April 28, 2021, and

3. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

C. Children Enrolled in Preschool or Prekindergarten Prior to April 28, 2021

Any child who is enrolled in a preschool program or other prekindergarten program prior to April 28, 2021 who:

1. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and

2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse, but

3. did not present a written declaration from a physician, a physician assistant or an advanced practice registered nurse stating that additional immunizations are in process as recommended by such physician, physician assistant or advanced practice registered nurse,

rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health

shall comply with the immunization requirements provided for in Section I of these administrative regulations on or before September 1, 2022, or not later than fourteen (14) days after transferring to a program operated by a school under the jurisdiction of the District, whichever is later.

III. Additional Matters

In accordance with state law, the New Milford Board of Education ("Board") and the District shall not be liable for civil damages resulting from an adverse reaction to a nondefective vaccine required to be administered by state law.

If the parents or guardians of any child are unable to pay for any required immunization, the expense of such immunization shall, upon the recommendation of the Board, be paid by the town of the child's residence.

The District designates the School Nurse as the representative for receipt of reports from health care providers concerning student immunizations.

The current required immunizations for elementary (including preschool), middle and high school students can be found at: https://portal.ct.gov/dph/-/media/dph/dph-2025/immunization/provider-page/pdfs/school-nurses/school-requirements/immunization-requirements-for-enrolled-students-in-connecticut-schools.pdf?rev=a450f3da4306402e9b9a12e3a5fd0fb8&hash=1B740465EBD703330AF00A65E11A7C07

In implementing these regulations, the District shall consider state guidance and supporting documents and comply with applicable law.

Legal Reference: Connecticut General Statutes

§ 19a-7f Child immunization standard of care and programs. Provision of vaccines by department. Vaccine policy and reporting
§ 10-204a Required immunizations
§ 10-204c Immunity from liability

Public Act 26-3, "An Act Establishing Connecticut Vaccine Standards."

Regulations of Connecticut State Agencies
§ 10-204a-2a Adequate Immunization

Regulation approved: June 20, 2023
Regulation revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Note: **These administrative regulations concerning Health Assessments/Screenings and Oral Health Assessments have been revised in light of Public Acts 26-1 and 26-13. Specifically, the administrative regulations now clarify that the board of education may, but is not required to, provide vision screenings for students in preschool and grade two. These regulations have been further revised to explain that the school nurse may reject the results of any required health assessments or screenings submitted on forms other than the forms supplied by the State Board of Education and require resubmission on the required forms. Further, in accordance with the revised statute, the administrative regulations now require that an asthma action plan be included with each health assessment form that indicates an asthma diagnosis. Finally, the administrative regulations have been revised to provide that, beginning in the school year commencing July 1, 2027, each student in grades nine through twelve, inclusive, must have an annual athletics health assessment prior to participating in interscholastic athletics.**

ADMINISTRATIVE REGULATIONS REGARDING HEALTH ASSESSMENTS/SCREENINGS AND ORAL HEALTH ASSESSMENTS

I. Health Assessments:

The New Milford Board of Education (the "Board') requires each student enrolled in the New Milford Public Schools (the "District") to undergo health assessments as mandated by state law. The purpose of such health assessments shall be to ascertain whether a student has any physical disability tending to prevent the student from receiving the full benefit of school work and to ascertain whether school work should be modified in order to prevent injury to the student or to secure a suitable program of education for the student. Such health assessments must be conducted by one of the following qualified providers for health assessments: (1) a legally qualified practitioner of medicine; (2) an advanced practice registered nurse or registered nurse, who is licensed under state statute; (3) a physician assistant, who is licensed under state statute; (4) the school medical advisor; or (5) a legally qualified practitioner of medicine, an advanced practice registered nurse or a physician assistant stationed at any military base. The Board will provide written prior notice of the health assessments required under these administrative regulations to the parent or guardian of each student subject to assessment. The parent or guardian shall be provided a reasonable opportunity to be present during such assessment or the parent or guardian may provide for such assessment . No health assessment shall be made of any public school student unless it is made in the presence of the parent or guardian or in the presence of another school employee. Any student who fails to obtain the health assessments required by these administrative regulations may be denied continued attendance in the District.

II. Health Assessments Required:

Prior to enrollment in the District, each student must undergo a health assessment, which shall include:

(a) a physical examination that includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma. The assessment form shall include (1) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (2) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (3) screening questions to be answered by such provider;

(b) an updating of immunizations as required by state law;

(c) vision, hearing, speech and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The pre-enrollment assessment shall also include tests for tuberculosis, sickle cell anemia or Cooley's anemia, and tests for lead levels in the blood if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or an advanced practice registered nurse, licensed under state law.

Each student enrolled in the District must undergo a health assessment in grade six and in grade nine, which shall include:

(a) a physical examination that includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a of the Connecticut General Statutes. The assessment form shall include (1) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (2) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (3) screening questions to be answered by such provider;

(b) an updating of immunizations as required by state law;

(c) vision, hearing, postural and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The grade six and grade nine assessments shall also include tests for tuberculosis and sickle cell anemia or Cooley's anemia if, after consultation with the school medical

advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or of an advanced practice registered nurse, licensed under state law.

The Board shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program or for free milk under the special milk program.

III. Oral Health Assessments:

A. Prior to enrollment in the District, in grade six and in grade nine, the Board shall request that each student undergo an oral health assessment. Such oral health assessments must be conducted by one of the following qualified providers for oral health assessments: (1) a dentist licensed under state law; (2) a dental hygienist licensed under state law; (3) a legally qualified practitioner of medicine trained in conducting oral health assessments as a part of a training program approved by the Commissioner of Public Health; (4) a physician assistant licensed under state law and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health; or (5) an advanced practice registered nurse licensed under state statute and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health.

B. The oral health assessment identified in subsection A above shall include a dental examination by a dentist, or a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse. The assessment form shall include a check box for the qualified provider conducting the assessment to indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma.

C. No oral health assessment shall be made of any public school student unless the parent or guardian of the student consents to such assessment and such assessment is made in the presence of the parent or guardian or in the presence of another school employee. The parent or guardian shall be provided with prior written notice of an oral health assessment and be provided with a reasonable opportunity to opt the child out of such assessment, or the parent or guardian may provide for such oral health assessment.

D. If the Board hosts a free oral health assessment event where qualified providers (identified in subsection A above) perform oral health assessments of children attending a public school, the Board shall notify the parents and guardians of such children of the event in advance and provide an opportunity for parents and guardians to opt their child(ren) out of such event. The Board shall infer parent/guardian consent for each child whose parent or guardian did not opt the child out of the free oral health assessment event and shall provide such child with

a free oral health assessment; however, such child shall not receive dental treatment of any kind unless the child's parent or guardian provides informed consent for such treatment.

E. Any student who fails to obtain an oral health assessment requested by the Board shall not be denied enrollment or continued attendance in the District.

IV. Athletics Health Assessments

A. Beginning with the school year commencing July 1, 2027, each student enrolled in grades nine to twelve, inclusive, must undergo an annual athletics health assessment prior to being permitted to participate in interscholastic athletics each year.

B. The athletics health assessment must include a physical examination that shall include screening for serious cardiac conditions that could lead to sudden cardiac death, which screening shall be performed in accordance with guidelines established by the American Heart Association, the American College of Cardiology or another organization focused on cardiovascular care in pediatric populations.

C. The athletics health assessment shall be recorded on a form supplied by the State Board of Education. Such form shall include the following:

1. A check box for the provider conducting the athletics assessment, to indicate any patient or family history of symptoms of such serious cardiac conditions, including, but not limited to, chest pain with exertion or unexplained syncope, and any family history of sudden cardiac death;

2. screening questions relating to a family history of such serious cardiac issues to be answered by the parent or guardian, including, but not limited to, chest pain with exertion, unexplained syncope, sudden cardiac arrest or sudden cardiac death;

3. any additional cardiac screening questions to be answered by such provider, as deemed necessary and appropriate by such provider; and

4. a check box for the provider conducting the athletics assessment to indicate whether the provider referred the pupil for any additional cardiac screening or treatment.

D. The Board shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program or for free milk under the special milk program.

V. Screenings Required:

The Board will provide annually to each student enrolled in kindergarten and grades one and three to five, inclusive, a vision screening. The Board may provide such vision screening annually to each student enrolled in preschool and grade two. Such vision screening may be performed using a Snellen chart or an equivalent screening device, or an automated vision screening device. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any defect of vision or disease of the eyes, with a brief statement describing the defect or disease and a recommendation that the student be examined by an optometrist or ophthalmologist licensed pursuant to state law, and (2) who did not receive such vision screening, with a brief statement explaining why such student did not receive such vision screening.

The Board will provide annually to each student enrolled in kindergarten and grades one and three through five, inclusive, audiometric screening for hearing. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any impairment or defect of hearing, with a brief statement describing the impairment or defect, and (2) who did not receive an audiometric screening for hearing, with a brief statement explaining why such student did not receive an audiometric screening for hearing.

The Board will provide postural screenings for (1) each female student in grades five and seven, and (2) each male student in grade eight or nine. The Superintendent shall give written notice to the parent or guardian of each student (A) who evidences any postural problem, with a brief statement describing such evidence, and (B) who did not receive a postural screening, with a brief statement explaining why such student did not receive such postural screening.

All of the screenings required under these administrative regulations will be performed in accordance with regulations applicable to such screenings as adopted by the State Board of Education.

VI. Assessment/Screening Results:

The results of each assessment and screening required or requested by these administrative regulations shall be recorded on forms supplied by the State Board of Education. Each qualified provider performing health assessments, athletic health assessments, or oral health assessments under these administrative regulations shall sign each form and any recommendations concerning a student shall be in writing. A school nurse may reject the results of an assessment or screening submitted on forms other than the forms supplied by the State Board of Education and require the resubmission of such results on the forms supplied by the State Board of Education. An asthma action plan shall be included with each assessment form that indicates an asthma diagnosis. Assessment/screening forms shall be included in the cumulative health record of each student and they shall be kept on file in the school attended by the student. If a student transfers to another school district in Connecticut, the student's original cumulative health record shall be sent to the chief administrative officer of the new school district and a true

copy retained by the Board. For a student leaving Connecticut, a copy of the records, if requested, should be sent and the original maintained.

Appropriate school health personnel shall review the results of each assessment and screening. If the reviewing school health personnel judge that a student is in need of further testing or treatment, the Superintendent shall give written notice to the parent or guardian of such student and shall make reasonable efforts to ensure that such further testing or treatment is provided. Reasonable efforts shall include determination of whether the parent or guardian has obtained the necessary testing or treatment for the student, and, if not, advising the parent or guardian how such testing or treatment may be obtained. The results of such further testing or treatment shall be recorded, kept on file and reviewed by appropriate school health personnel in the same manner as the results of the health assessments and screenings required or requested under these administrative regulations.

The District shall report to the local health department and the Department of Public Health, on a triennial basis, the total number of children per school and on a district-wide basis having a diagnosis of asthma (1) at the time of public school enrollment, (2) in grade six or seven, and (3) in grade nine or ten. The report shall contain the asthma information collected as required under Section II of these administrative regulations and shall include information regarding each diagnosed child's age, gender, race, ethnicity and school.

VII. Exemption:

Nothing in these administrative regulations shall be construed to require any student to undergo a physical or medical examination or treatment, or be compelled to receive medical instruction, if the parent or legal guardian of such student or the student, if the student is an emancipated minor or is eighteen (18) years of age or older, notifies the teacher or principal or other person in charge of such student in writing that the student objects on religious grounds to such physical or medical examination or treatment or medical instruction.

VIII. Other Non-Emergency Invasive Physical Examinations and Screenings:

A. In addition to the screenings listed above, the District may, from time to time, require students to undergo additional non-emergency, invasive physical examination(s)/screening(s).

B. A non-emergency, invasive physical examination or screening is defined as:

1. any medical examination that involves the exposure of private body parts; or

2. any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening; and

3. is required as a condition of attendance, administered by the school and scheduled by the school in advance; and

4. is not necessary to protect the immediate health and safety of the student, or of other students.

C. If the district elects to conduct any such examinations, then, at the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to conduct the non-emergency invasive physical examination(s) and/or screening(s) described in this subsection. Such notice shall include the specific or approximate dates during the school year of the administration of such non-emergency invasive physical examination(s)/screening(s).

D. Upon request, the administration shall permit parents or students over the age of eighteen (18) (or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

IX. School Representative to Receive Information Concerning Health Assessments:

The Board designates School Nurse as the representative for receipt of reports from health care providers concerning student health assessments and oral health assessments.

Legal References:

State Law:

Connecticut General Statutes:

§ 10-206	Health assessments
§ 10-206a	Free health assessments
§ 10-206d	Oral health assessments
§ 10-208	Exemption from examination or treatment
§ 10-209	Records not to be public. Provision of reports to schools
§ 10-214	Vision, audiometric and postural screenings: When required; notification of parents re defects; record of results

Public Act No. 26-1, "An Act Concerning the Reallocation of Certain State Funds and Various Provisions Relating to the Education, Public Safety, General Government, Elections, Intermediate Care Facilities and Warehouse Distribution Centers."

Public Act No. 26-13, "An Act Concerning Various Revisions to the Public Health Statutes."

State of Connecticut Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, Cumulative Health Records Guidelines (Revised Jan. 2012), https://portal.ct.gov/-/media/SDE/School-Nursing/Publications/CHR_guidelines.pdf

Federal Law:

Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Public Law 114-95, at 20 U.S.C. §§ 1232h(c)(2)(C)(iii) and 1232h(c)(6)(B).

Regulation approved: June 20, 2023
Regulation revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

SAMPLE
NOTICE OF FREE ORAL HEALTH ASSESSMENT

The New Milford Public Schools (the "District") shall hold a free oral health assessment event for students on _____ ***[insert date and time of event]*** at your student's school. The oral health assessment shall consist of ***[insert one of the following options depending on the professional staffing the oral health assessment event: (1) a dental examination by a dentist <u>OR</u> (2) a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse.]*** The practitioner conducting the oral health assessment shall indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma. No student shall receive dental treatment of any kind as part of the free oral health assessment event.

This event is free of charge. You may be present during the oral health assessment of your student, if you so wish. When, based on the results of the assessment and in the judgment of school health personnel, your student is in need of further testing or treatment, you will be notified by the District.

You may elect for your student not to participate in the free oral health assessment event. **If you do not want your student to participate, you must sign the form below and return that section of the form to _____ by _____. <u>If you fail to return the form by this date, you have consented to the free oral health assessment and your student will participate</u>. If your student does not participate in the school's event, you will be asked to provide documentation that your student has received an oral health assessment, in accordance with state law.**

If you have questions or concerns regarding the free oral health assessment event, please contact _____.

FREE ORAL HEALTH ASSESSMENT EVENT - _____ *[insert date of event]*

Name of student: _____ Student's Date of Birth: _____

Student's Address: _____

Parent/Guardian Name (print): _____

As the parent/guardian of the above-named student, I elect for my student to <u>not participate</u> in the free oral health assessment. I understand that I will be asked by school officials to provide documentation that my student has received an oral health assessment by a qualified professional. I further understand that this "opt-out" is effective only for the free oral health assessment event being held on the date listed above.

_____ _____
Parent/Guardian Signature Date

TRANSPORTATION

I. Statement of Policy

The Board of Education will provide transportation for students under provisions of state law and regulations. In determining the provision of transportation, the superintendent of schools shall consider the guidelines contained in this policy and shall administer the operation so as to:

1. provide for the safety of students, including consideration of hazardous conditions whether or not described in this policy;

2. provide for appropriate supervision for students while on school transportation, consistent with the Board's student discipline policy; and

3. assist disabled students by providing appropriate specialized transportation when required by law.

II. Definitions

1. "School transportation" means the procedure, program, or implemented plan by which a pupil is transported to and/or from school from the pupil's residence or the assigned bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved and maintained by the municipality or the state of Connecticut, or private roads approved pursuant to C.G.S. Section 10-220c.

2. "Walking distance" means the linear measure of a prescribed or authorized pedestrian route between the pupil's residence and the pupil's school from a point at the curb or edge of a public or private road nearest the pupil's residence to a point at the entrance of the school, or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus pick-up area, or the route from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the New Milford Board of Education.

3. "One mile walking distance" means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.

4. "Grade K" means kindergarten, or a school program appropriate to a beginning pupil.

5. "Hazard" means a thing or condition, as prescribed in this policy under "Hazardous Conditions" that affects the safety of pupils walking to or from school and/or to or from a designated bus pick-up area.

6. "Sidewalk" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any white line safety markings along the street pavement.

7. "Raised walk area" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.

8. “Walking route” means the route that the student is expected to travel between his/her residence to and from school and/or an assigned bus stop.

9. “Bus stop” shall be defined as a geographical location designated by the Board of Education, school administration or their designee where students can safely wait for purposes of embarking or disembarking a school bus.

10. "Pupil" means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

III. Provision of Transportation

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. If parents volunteer, and the administration permits, parents may be reimbursed for transportation of eligible students whenever such practice is more economical or convenient for the school district.

In determining the provision of transportation for resident public and eligible private school students, the following guidelines regarding walking distances will be considered. Distance measurements will be based on the most direct route from the student's home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pickup areas.

Grade	Limit
K-2	0.5 mile
3-8	1 mile
9-12	1.5 miles

Students living within the stated distance limits will receive transportation when, in the opinion of the Superintendent of Schools, it is in the best interests of the district to provide transportation.

IV. Access to Bus Stops/Transportation and Behavior

Parents and/or guardians are responsible for ensuring the safety of their children up until the point when students board the school bus or other school provided transportation, and after students get off the bus after school. This responsibility includes the selection of walking routes to/from any bus stop and/or the school building, compliance with health and safety precautions at the bus stop and along walking routes, and the provision of supervision that is appropriate to the student's age, maturity and conditions along the walking route and/or at the bus stop at all times.

Given that bus pick up times may vary, the Board expects that parents and/or guardians will ensure that their children arrive at the bus stop in advance of any scheduled pick up time.

Students accessing school transportation are expected to behave in an appropriate manner, in accordance with all school rules and regulations. The Board's policies and procedures concerning student discipline shall apply to student behavior while accessing student transportation.

V. Hazardous Conditions

The administration shall consider the following guidelines for hazardous conditions when making decisions regarding the transportation of children:

1. Except as provided in Paragraph 7 of this Section, a street or road, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exist:

   a) For pupils under age ten, or enrolled in grades K through 2:
      (i) the absence of a pedestrian crossing light or crossing guard where three or more streets intersect, and a pupil is expected to cross the street; OR
      (ii) street crossings where there are no stop signs or crossing guards and the traffic count during the time that pupils are walking to or from school exceeds sixty vehicles per hour at the intersection, and a pupil is expected to cross the street.

   b) For pupils r enrolled in grades 3 through 12, the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect which has a traffic count which exceeds ninety vehicles per hour during the time that pupils are walking to or from school, and such pupils are expected to cross the street;

c) For all pupils:
   (i) any street, road, or highway with speed limits in excess of forty miles per hour which does not have pedestrian crossing lights or crossing guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop; OR

   (ii) the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisances which are hazardous or attractive to children.

2. Any street, road, or highway, along a designated walking route to or from school and/or to or from a designated bus pick-up area, that has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:

a) For pupils enrolled in grade K through 2:
   (i) any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from school; OR
   (ii) any street, road, or highway possessing a speed limit in excess of thirty miles per hour.

b) For all pupils:
   (i) the presence of human-made hazards including attractive nuisances, as stated in 1(c)(ii) above; OR

   (ii) any roadway available to vehicles that does not have a minimum width of approximately twenty-two feet; OR

   (iii) any roadway available to vehicles that, when plowed free of snow accumulations, does not have a minimum width of approximately twenty feet; OR

   (iv) any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.

3. Any walkway, path, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between pupils and the track; and any crossing of railroad tracks

carrying moving trains during hours that pupils are walking to or from school or to and from a designated bus pick-up area shall be deemed hazardous unless:

a) a crossing guard is present; OR

b) for pupils enrolled in K-2, an automatic control bar is present at crossings; OR

c) for pupils enrolled 3-12, a bar or red flashing signal light is operational.

4. For pupils in grades K through 5, the following conditions shall be deemed hazardous:

a) a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the pupil and the water; OR

b) any area adjacent to a roadway, sidewalk, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having a drop of three or more feet per four feet of travel length on either side of the established lanes, in the absence of a fence or other suitable barrier.

5. For pupils in grades K through 5 walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous.

6. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route which passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.

7. It shall not be a "hazard" or "hazardous condition" for a pupil whose residence abuts a public street, road or highway to (1) wait for the bus on the private property where the pupil resides for the school bus, until the school bus's flashing red lights are activated to stop traffic so that the student can enter onto or cross the public street, road or highway to get on a school bus; or (2) exit a school bus that is stopped on the public street, road or highway, when the bus's flashing red lights are activated to stop traffic so that the pupil can enter onto or cross such street, road or highway to access the private property where the pupil resides.

VI. Applicability and Exceptions

1. This policy is applicable to public road approved and maintained by the municipality or state of Connecticut, or private roads approved for passage

of school transportation vehicles in accordance with C.G.S. Section 10-220c.

2. Special Education pupils and pupils eligible for accommodations under Section 504 of the Rehabilitation Act shall be judged on an individual basis, and appropriate transportation provided.

3. The Superintendent of Schools may grant an exception to any guideline set forth in this policy where a peculiar condition or combination or conditions renders such condition(s) a hazard based upon reasonable judgment; or where under the circumstances, other conditions exist under which the safety of students necessitates a variance with the guidelines within this policy.

VII. Complaint Procedure

1. All complaints concerning school transportation safety shall be made in writing to the Superintendent of Schools or designee. The Superintendent or designee shall maintain a written record of all such complaints, and shall conduct appropriate investigations of the allegations in a timely manner. The investigation shall include 1) the review of the complaint raised with appropriate personnel responsible for transportation of students and 2) the opportunity for the parent or other person making the complaint to meet with the Superintendent to discuss the complaint and any possible resolution thereof.

2. Annually, within thirty (30) business days of the end of the school year, the Superintendent of Schools or designee shall provide the Commissioner of Motor Vehicles ("Commissioner") with a copy of the written record of complaints received during the previous twelve (12) month period.

3. The Superintendent of Schools or designee shall make a written report of the circumstances of any accident within the Board's jurisdiction and knowledge, involving a motor vehicle and any pedestrian who is a student, which occurs at a designated school bus stop or in the immediate vicinity thereof, to the Commissioner within ten (10) business days thereafter on a form prescribed by the Commissioner.

4. If a complaint covered by Section 10-186 of the Connecticut General Statutes, and is not resolved by the Superintendent, the Superintendent shall inform parent or guardian, or an emancipated minor or a pupil eighteen years of age or older, of the right to request a hearing regarding the complaint. Such hearing, if requested, shall be held in accordance with Section 10-186 of the Connecticut General Statutes, as it may be amended from time to time.

Legal Reference: Connecticut General Statutes

10-186 Duties of local and regional boards of education re: school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers.
10-187 Appeal from finding of hearing board.
10-220 Duties of boards of education.
10-220c Transportation of children over private roads. Immunity from Liability.
10-221c Development of policy for reporting complaints regarding school transportation safety.
10-273a Reimbursement for transportation to and from elementary and secondary schools.
10-280a Transportation for students in non-profit private schools outside school district.
10-281 Transportation for pupils in nonprofit private schools within school district.
14-275 Equipment and color of school buses.
14-275b Transportation of mobility impaired students.
14-275c Regulations re: school buses and motor vehicles used to transport special education students.

Policy approved: June 20, 2023

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Note: In its five-year strategic plan for fiscal years 2026 through 2030, Connecticut's Occupational Safety & Health Division ("CONN-OSHA"), which has jurisdiction over Connecticut school districts, has designated elementary and secondary schools as "targeted high-hazard industries," signaling a focused commitment to school safety and health enforcement. In light of these developments, we have revised our model Administrative Regulations Regarding Occupational Safety and Health (Bloodborne Pathogens), which identify covered employers' obligations to minimize occupational exposure to bloodborne pathogens.

School districts are advised that adoption of the model administrative regulations *does not satisfy* OSHA or CONN-OSHA's requirements. Instead, as explained in the model document, each district must establish a written exposure control plan for bloodborne pathogens in accordance with applicable law. Because exposure control plans must be customized to reflect district-specific operations, facilities and personnel, we have discontinued our model exposure control

Series 4000 **4147.1 R**
Personnel **4247.1 R**

ADMINISTRATIVE REGULATIONS REGARDING OCCUPATIONAL SAFETY AND HEALTH (BLOODBORNE PATHOGENS)

The New Milford Board of Education (the "Board") is committed to promoting a safe and healthful work environment for its staff.

In pursuit of this goal, and in accordance with United States Department of Labor, Occupational Safety and Health Administration ("OSHA") regulations relating to occupational exposure to bloodborne pathogens as enforced in Connecticut public schools by the Connecticut Department of Labor, Occupational Safety and Health Division ("CONN-OSHA"), the New Milford Public Schools (the "District") shall establish a written exposure control plan for bloodborne pathogens ("Exposure Control Plan") in accordance with applicable law. Such Exposure Control Plan shall be designed to eliminate or minimize employee exposure to bloodborne pathogens. The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

In accordance with applicable law, the District will take reasonably necessary actions to protect those employees identified by the District as employees with occupational exposure to blood or other potentially infectious materials that may result from the performance of the employee's duties ("At-Risk Employees").

The District shall provide training to At-Risk Employees at the time of initial assignment to tasks where occupational exposure may take place and at least annually

thereafter. Such training shall be provided at no cost to the employee and during working hours. The District shall also provide personal protective equipment to At-Risk Employees.

The District shall make available (1) the hepatitis B vaccine and vaccination series to all At-Risk Employees, and (2) post-exposure evaluation and follow-up to all employees who have had an exposure incident. Such vaccination will be provided at no cost to At-Risk Employees. The District shall assure that employees who decline to accept the hepatitis B vaccination offered by the District sign a hepatitis B vaccine declination statement. *See* Appendix A.

The District shall maintain training records for each At-Risk Employee upon completion of training; medical records for each employee with occupational exposure, as required by applicable law; injury logs pursuant to OSHA's recordkeeping requirements; and a sharps injury log.

Legal References:

29 C.F.R. Part 1904	Recording and reporting occupational injuries and illnesses
29 C.F.R. §1910.1030	Bloodborne pathogens
Conn. Gen. Stat. § 10-203	Compliance with public health statutes and regulations
Conn. Gen. Stat. § 31-367 *et seq.*	Occupational Safety and Health Act
Regs. Conn. State Agencies § 31-374-1	Reporting and recordkeeping standards

Regs. Conn. State Agencies § 31-372-101-1910 (adopting 29 C.F.R. §1910.1030)

Regulation approved: August 15, 2023
Regulation revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

APPENDIX A

HEPATITIS B VACCINE DECLINATION

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee Name:_____

Employee Signature:_____Date: _____

APPENDIX B

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

I. Definitions

A. **Contaminated Sharps**: any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

B. **Engineering Controls**: controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

C. **Work Practice Controls**: controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

II. Exposure Determination

A. Category I: Those personnel who come in direct contact with blood and body fluids for which precautions must be taken.

B. Category II: Personnel who participate in activities without blood exposure but exposure may occur in an emergency.

C. Category III: Personnel performing tasks that do not entail predictable or unpredictable exposure to blood.

1. School nurses or nurse practitioners assisting and treating injured students may come in contact with blood and other bodily fluids (Category I).

2. School staff, including physical education teachers, OT, PT, general aides, technical instructors, athletic coaches and principals may come in contact with blood and other bodily fluids in the performance of their jobs in treating injured students (Category I).

3. Special education teachers and aides in self-contained and behavioral programs, nursing program students, and custodial staff, and other staff who substitute for them, may have to clean up after injured persons where they may come in contact with blood and other bodily fluids (Category I).

4. All staff certified in first aid may have contact with blood in an emergency (Category II).

III. Methods of Compliance

A. Avoid direct contact with blood, bodily fluids or other potentially infectious materials - use gloves.

B. Contaminated needles and other contaminated sharps shall not be bent, recapped or removed. Shearing or breaking of contaminated needles is prohibited.

C. Contaminated reusable sharps shall be placed in containers that are puncture resistant, leakproof, color-coded or labeled in accordance with Section X of this plan and shall not require employees to reach by hand into the container.

D. Protective gloves will be worn if you have any open wounds on your hands. If there is any doubt in your mind regarding some contact with blood or bodily fluids - use gloves.

E. Wash hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

F. If you become contaminated, wash that area immediately with a strong antiseptic soap or solution.

G. If clothing becomes contaminated with blood or body fluids, it should be placed in a bag labeled in accordance with Section X of this plan and placed in a contaminated clothing container for proper cleaning and/or discarding.

H. Any areas of the school that may become contaminated will be washed with a strong solution of bleach and water or other appropriate disinfectant; rubber gloves, sanitary suit, face and eye protection, and long handled scrub utensils should be used.

I. All locker rooms, restrooms, and nurses' offices will be cleaned daily using disinfectant. Custodial staff members are required to wear rubber gloves and use long-handled scrubbing utensils during these cleaning procedures at these locations.

J. When a spill occurs, the building administrator or his/her designee will limit access to areas of potential exposure and notify the staff and

students. The janitorial staff will be notified to immediately clean the area.

K. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering and generation of droplets of these substances.

L. Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

M. Specimens of blood or other potentially infectious materials shall be placed in a container labeled in accordance with Section X of this plan, which prevents leakage during collection, handling, processing, storage, transport, or shipping.

IV. Preventative Measures

The Superintendent or his/her designee shall use engineering and work practice controls to eliminate or minimize employee exposure, and shall regularly examine and update controls to ensure their effectiveness.

V. Hepatitis B Vaccination

A. The hepatitis B vaccination series shall be made available at no cost to all Category I employees. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, or antibody testing has revealed that the employee is immune, or vaccination is contraindicated by medical reasons.

B. Employees who decline to accept the vaccination shall sign the hepatitis B vaccination declination statement.

VI. Training for Exposure Control

A. Each year, all at risk personnel will be supplied with written materials relating to precautions, risks, and actions to take if contaminated by blood or other body fluids containing the following:

(1) An accessible copy of the regulatory text of the OSHA standards regarding bloodborne pathogens and an explanation of its contents;
(2) A general explanation of the epidemiology and symptoms of bloodborne diseases;
(3) An explanation of the modes of transmission of bloodborne pathogens;

(4) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;
(5) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;
(6) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;
(7) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;
(8) An explanation of the basis for selection of personal protective equipment;
(9) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;
(10) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;
(11) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
(12) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;
(13) An explanation of the signs and labels and/or color coding; and
(14) An opportunity for interactive questions and answers with the person conducting the training session.

VII. Reporting Incidents

A. All exposure incidents shall be reported as soon as possible to the School Nurse Coordinator and Director of Special Services and Pupil Personnel.

B. All at risk personnel who come in contact with blood and body fluids in the performance of their duties will take steps to safeguard their health.

VIII. Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or his/her designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation and follow-up. He or she shall at a minimum:

A. Document the route(s) of exposure and the circumstances under which the exposure incident occurred;

B. Identify and document the source individual, unless that identification is infeasible or prohibited by law;

C. Provide for the collection and testing of the employee's blood for HBV and HIV serological status;

D. Provide for post-exposure prophylaxis, when medically indicated as recommended by the U.S. Public Health service;

E. Provide counseling and evaluation of reported illnesses;

F. The Superintendent or designee shall provide the health care professional with a copy of the OSHA regulation; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the school relevant to the appropriate treatment of the employee, including vaccination status; and

G. The school shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation.

IX. Records

A. Upon an employee's initial employment and at least annually thereafter, the Superintendent or his/her designee shall inform employees with occupational exposure of the existence, location and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records.

B. Medical records for each employee with occupational exposure shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law.

C. Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place and manner, no later than 15 days after the request is made.

D. Records shall be maintained as follows:

1. Medical records shall be maintained for the duration of employment plus 30 years.

2. Training records shall be maintained for three years from the date of training.

3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.

4. Exposure records shall be maintained for 30 years.

5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

X. Labels

A. Warning labels shall be affixed to containers used to store, transport or ship blood or other potentially infectious material.

B. Labels shall include the following:



BIOHAZARD

C. The labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.

D. Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

E. Labels required for contaminated equipment shall be in accordance with this paragraph and shall also state which portions of the equipment remain contaminated.

Legal References:

29 C.F.R. § 1910.1030 OSHA Bloodborne pathogens standards

Note: In connection with Public Act 26-3, which includes various changes to the public health laws concerning vaccines, these Administrative Regulations Regarding Immunizations have been revised to identify that school districts must rely on the schedules of immunizations published by the Connecticut Commissioner of Public Health (the "Commissioner") when determining whether a student has the required immunizations for school attendance. Also, language concerning the specific doses required for certain immunizations has been removed because those doses are included in the Commissioner's published immunization schedule. This revision also includes an updated link to the immunization schedule and updated legal references.

Series 5000 **5141.221 R**
Students

ADMINISTRATIVE REGULATIONS REGARDING IMMUNIZATIONS

I. Immunization Requirements

In accordance with state law, the New Milford Public Schools (the "District") requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B, hepatitis A, hepatitis B, varicella, pneumococcal diseases, meningococcal disease and any other vaccine required by the schedule for immunization as determined by the Commissioner of Public Health pursuant to Conn. Gen. Stat. § 19a-7f, before being permitted to enroll in any program or school under its jurisdiction. Adequate immunization shall be determined by the District in accordance with applicable Connecticut law and the immunization requirements for students in Connecticut schools published or otherwise transmitted by the Commissioner of Public Health.

By January 1 of each year, children aged 24-59 months enrolled in the District's preschool program must show proof of receipt of at least one dose of influenza vaccine between August 1 and December 31 of the preceding year. All children aged 24-59 months who have not received vaccination against influenza previously must show proof of receipt of two doses of the vaccine the first influenza season that they are vaccinated. Children seeking to enroll in the District's preschool program between January 1 and March 31 are required to receive the influenza vaccine prior to being permitted to enter the program. Children who enroll in the preschool program after March 31 of any given year are not required to meet the influenza vaccine requirement until the following January.

Exemption from the applicable requirements of these administrative regulations shall be granted to any child who, before being permitted to enroll:

(1) presents a certificate from a physician, physician assistant, advanced practice registered nurse or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process:

(A) under guidelines and schedules specified by the Commissioner of Public Health; or

(B) in the case of a child enrolled in a preschool program or other prekindergarten program who, prior to April 28, 2021, was exempt from the applicable immunization requirements upon presentation of a statement that such immunizations would be contrary to the religious beliefs of such child or the parents or guardian of such child, as such additional immunizations are recommended, in a written declaration, in a form prescribed by the Commissioner of Public Health, for such child by a physician, a physician assistant or an advanced practice registered nurse. Such statement of religious beliefs shall be acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of this state, or a school nurse; or

(2) presents a certificate, in a form prescribed by the Commissioner of Public Health pursuant to Connecticut General Statutes § 19a-7q, from a physician, physician assistant, or advanced practice registered nurse stating that in the opinion of a such physician, physician assistant, or advanced practice registered nurse such immunization is medically contraindicated because of the physical condition of such child; or

(3) in the case of measles, mumps or rubella, presents a certificate from a physician, physician assistant or advanced practice registered nurse or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or

(4) in the case of haemophilus influenzae type B, has passed such child's fifth birthday; or

(5) in the case of pertussis, has passed such child's sixth birthday.

II. Exemptions Based on Religious Beliefs

A. Children Enrolled in Kindergarten Through Twelfth Grade On or Before April 28, 2021

The immunization requirements set forth in Section I of these administrative regulations **shall not apply** to any child who is enrolled in kindergarten through twelfth grade on or before April 28, 2021 if:

1. such child presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary

to the religious beliefs of such child or the parents or guardians of such child, and

2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

B. Students Who Transfer from Another Public or Private School in Connecticut

The immunization requirements set forth in Section I of this policy **shall not apply** to any student who:

1. transfers to the District from another public or private school in Connecticut, and

2. was enrolled in kindergarten through twelfth grade in the other public or private school on or before April 28, 2021, and

3. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

C. Children Enrolled in Preschool or Prekindergarten Prior to April 28, 2021

Any child who is enrolled in a preschool program or other prekindergarten program prior to April 28, 2021 who:

1. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and

2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse, but

3. did not present a written declaration from a physician, a physician assistant or an advanced practice registered nurse stating that additional immunizations are in process as recommended by such physician, physician assistant or advanced practice registered nurse, rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health

shall comply with the immunization requirements provided for in Section I of these administrative regulations on or before September 1, 2022, or not later than fourteen (14) days after transferring to a program operated by a school under the jurisdiction of the District, whichever is later.

III. Additional Matters

In accordance with state law, the New Milford Board of Education ("Board") and the District shall not be liable for civil damages resulting from an adverse reaction to a nondefective vaccine required to be administered by state law.

If the parents or guardians of any child are unable to pay for any required immunization, the expense of such immunization shall, upon the recommendation of the Board, be paid by the town of the child's residence.

The District designates the School Nurse as the representative for receipt of reports from health care providers concerning student immunizations.

The current required immunizations for elementary (including preschool), middle and high school students can be found at: https://portal.ct.gov/dph/-/media/dph/dph-2025/immunization/provider-page/pdfs/school-nurses/school-requirements/immunization-requirements-for-enrolled-students-in-connecticut-schools.pdf?rev=a450f3da4306402e9b9a12e3a5fd0fb8&hash=1B740465EBD703330AF00A65E11A7C07

In implementing these regulations, the District shall consider state guidance and supporting documents and comply with applicable law.

Legal Reference: Connecticut General Statutes

§ 19a-7f	Child immunization standard of care and programs. Provision of vaccines by department. Vaccine policy and reporting
§ 10-204a	Required immunizations
§ 10-204c	Immunity from liability

Public Act 26-3, "An Act Establishing Connecticut Vaccine Standards."

Regulations of Connecticut State Agencies

§ 10-204a-2a	Adequate Immunization

Regulation approved: June 20, 2023 NEW MILFORD PUBLIC SCHOOLS
Regulation revised: New Milford, Connecticut

Note: **These administrative regulations concerning Health Assessments/Screenings and Oral Health Assessments have been revised in light of Public Acts 26-1 and 26-13. Specifically, the administrative regulations now clarify that the board of education may, but is not required to, provide vision screenings for students in preschool and grade two. These regulations have been further revised to explain that the school nurse may reject the results of any required health assessments or screenings submitted on forms other than the forms supplied by the State Board of Education and require resubmission on the required forms. Further, in accordance with the revised statute, the administrative regulations now require that an asthma action plan be included with each health assessment form that indicates an asthma diagnosis. Finally, the administrative regulations have been revised to provide that, beginning in the school year commencing July 1, 2027, each student in grades nine through twelve, inclusive, must have an annual athletics health assessment prior to participating in interscholastic athletics.**

Series 5000 **5141.3 R**
Students

ADMINISTRATIVE REGULATIONS REGARDING HEALTH ASSESSMENTS/SCREENINGS AND ORAL HEALTH ASSESSMENTS

I. Health Assessments:

The New Milford Board of Education (the "Board') requires each student enrolled in the New Milford Public Schools (the "District") to undergo health assessments as mandated by state law. The purpose of such health assessments shall be to ascertain whether a student has any physical disability tending to prevent the student from receiving the full benefit of school work and to ascertain whether school work should be modified in order to prevent injury to the student or to secure a suitable program of education for the student. Such health assessments must be conducted by one of the following qualified providers for health assessments: (1) a legally qualified practitioner of medicine; (2) an advanced practice registered nurse or registered nurse, who is licensed under state statute; (3) a physician assistant, who is licensed under state statute; (4) the school medical advisor; or (5) a legally qualified practitioner of medicine, an advanced practice registered nurse or a physician assistant stationed at any military base. The Board will provide written prior notice of the health assessments required under these administrative regulations to the parent or guardian of each student subject to assessment. The parent or guardian shall be provided a reasonable opportunity to be present during such assessment or the parent or guardian may provide for such assessment . No health assessment shall be made of any public school student unless it is made in the presence of the parent or guardian or in the presence of another school employee. Any student who fails to obtain the health assessments required by these administrative regulations may be denied continued attendance in the District.

II. Health Assessments Required:

Prior to enrollment in the District, each student must undergo a health assessment, which shall include:

(a) a physical examination that includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma. The assessment form shall include (1) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (2) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (3) screening questions to be answered by such provider;

(b) an updating of immunizations as required by state law;

(c) vision, hearing, speech and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The pre-enrollment assessment shall also include tests for tuberculosis, sickle cell anemia or Cooley's anemia, and tests for lead levels in the blood if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or an advanced practice registered nurse, licensed under state law.

Each student enrolled in the District must undergo a health assessment in grade six and in grade nine, which shall include:

(a) a physical examination that includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a of the Connecticut General Statutes. The assessment form shall include (1) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (2) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (3) screening questions to be answered by such provider;

(b) an updating of immunizations as required by state law;

(c) vision, hearing, postural and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The grade six and grade nine assessments shall also include tests for tuberculosis and sickle cell anemia or Cooley's anemia if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or of an advanced practice registered nurse, licensed under state law.

The Board shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program or for free milk under the special milk program.

III. Oral Health Assessments:

A. Prior to enrollment in the District, in grade six and in grade nine, the Board shall request that each student undergo an oral health assessment. Such oral health assessments must be conducted by one of the following qualified providers for oral health assessments: (1) a dentist licensed under state law; (2) a dental hygienist licensed under state law; (3) a legally qualified practitioner of medicine trained in conducting oral health assessments as a part of a training program approved by the Commissioner of Public Health; (4) a physician assistant licensed under state law and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health; or (5) an advanced practice registered nurse licensed under state statute and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health.

B. The oral health assessment identified in subsection A above shall include a dental examination by a dentist, or a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse. The assessment form shall include a check box for the qualified provider conducting the assessment to indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma.

C. No oral health assessment shall be made of any public school student unless the parent or guardian of the student consents to such assessment and such assessment is made in the presence of the parent or guardian or in the presence of another school employee. The parent or guardian shall be provided with prior written notice of an oral health assessment and be provided with a reasonable opportunity to opt the child out of such assessment, or the parent or guardian may provide for such oral health assessment.

D. If the Board hosts a free oral health assessment event where qualified providers (identified in subsection A above) perform oral health assessments of children attending a public school, the Board shall notify the parents and guardians of such children of the event in advance and provide an opportunity for parents and

guardians to opt their child(ren) out of such event. The Board shall infer parent/guardian consent for each child whose parent or guardian did not opt the child out of the free oral health assessment event and shall provide such child with a free oral health assessment; however, such child shall not receive dental treatment of any kind unless the child's parent or guardian provides informed consent for such treatment.

E. Any student who fails to obtain an oral health assessment requested by the Board shall not be denied enrollment or continued attendance in the District.

IV. Athletics Health Assessments

A. Beginning with the school year commencing July 1, 2027, each student enrolled in grades nine to twelve, inclusive, must undergo an annual athletics health assessment prior to being permitted to participate in interscholastic athletics each year.

B. The athletics health assessment must include a physical examination that shall include screening for serious cardiac conditions that could lead to sudden cardiac death, which screening shall be performed in accordance with guidelines established by the American Heart Association, the American College of Cardiology or another organization focused on cardiovascular care in pediatric populations.

C. The athletics health assessment shall be recorded on a form supplied by the State Board of Education. Such form shall include the following:

1. A check box for the provider conducting the athletics assessment, to indicate any patient or family history of symptoms of such serious cardiac conditions, including, but not limited to, chest pain with exertion or unexplained syncope, and any family history of sudden cardiac death;

2. screening questions relating to a family history of such serious cardiac issues to be answered by the parent or guardian, including, but not limited to, chest pain with exertion, unexplained syncope, sudden cardiac arrest or sudden cardiac death;

3. any additional cardiac screening questions to be answered by such provider, as deemed necessary and appropriate by such provider; and

4. a check box for the provider conducting the athletics assessment to indicate whether the provider referred the pupil for any additional cardiac screening or treatment.

D. The Board shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program or for free milk under the special milk program.

V. Screenings Required:

The Board will provide annually to each student enrolled in kindergarten and grades one and three to five, inclusive, a vision screening. The Board may provide such vision screening annually to each student enrolled in preschool and grade two. Such vision screening may be performed using a Snellen chart or an equivalent screening device, or an automated vision screening device. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any defect of vision or disease of the eyes, with a brief statement describing the defect or disease and a recommendation that the student be examined by an optometrist or ophthalmologist licensed pursuant to state law, and (2) who did not receive such vision screening, with a brief statement explaining why such student did not receive such vision screening.

The Board will provide annually to each student enrolled in kindergarten and grades one and three through five, inclusive, audiometric screening for hearing. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any impairment or defect of hearing, with a brief statement describing the impairment or defect, and (2) who did not receive an audiometric screening for hearing, with a brief statement explaining why such student did not receive an audiometric screening for hearing.

The Board will provide postural screenings for (1) each female student in grades five and seven, and (2) each male student in grade eight or nine. The Superintendent shall give written notice to the parent or guardian of each student (A) who evidences any postural problem, with a brief statement describing such evidence, and (B) who did not receive a postural screening, with a brief statement explaining why such student did not receive such postural screening.

All of the screenings required under these administrative regulations will be performed in accordance with regulations applicable to such screenings as adopted by the State Board of Education.

VI. Assessment/Screening Results:

The results of each assessment and screening required or requested by these administrative regulations shall be recorded on forms supplied by the State Board of Education. Each qualified provider performing health assessments, athletic health assessments, or oral health assessments under these administrative regulations shall sign each form and any recommendations concerning a student shall be in writing. A school nurse may reject the results of an assessment or screening submitted on forms other than the forms supplied by the State Board of Education and require the resubmission of such results on the forms supplied by the State Board of Education. An asthma action plan shall be included with each assessment form that indicates an asthma diagnosis. Assessment/screening forms shall be included in the cumulative health record of each student and they shall be kept on file in the school attended by the student. If a student

transfers to another school district in Connecticut, the student's original cumulative health record shall be sent to the chief administrative officer of the new school district and a true copy retained by the Board. For a student leaving Connecticut, a copy of the records, if requested, should be sent and the original maintained.

Appropriate school health personnel shall review the results of each assessment and screening. If the reviewing school health personnel judge that a student is in need of further testing or treatment, the Superintendent shall give written notice to the parent or guardian of such student and shall make reasonable efforts to ensure that such further testing or treatment is provided. Reasonable efforts shall include determination of whether the parent or guardian has obtained the necessary testing or treatment for the student, and, if not, advising the parent or guardian how such testing or treatment may be obtained. The results of such further testing or treatment shall be recorded, kept on file and reviewed by appropriate school health personnel in the same manner as the results of the health assessments and screenings required or requested under these administrative regulations.

The District shall report to the local health department and the Department of Public Health, on a triennial basis, the total number of children per school and on a district-wide basis having a diagnosis of asthma (1) at the time of public school enrollment, (2) in grade six or seven, and (3) in grade nine or ten. The report shall contain the asthma information collected as required under Section II of these administrative regulations and shall include information regarding each diagnosed child's age, gender, race, ethnicity and school.

VII. Exemption:

Nothing in these administrative regulations shall be construed to require any student to undergo a physical or medical examination or treatment, or be compelled to receive medical instruction, if the parent or legal guardian of such student or the student, if the student is an emancipated minor or is eighteen (18) years of age or older, notifies the teacher or principal or other person in charge of such student in writing that the student objects on religious grounds to such physical or medical examination or treatment or medical instruction.

VIII. Other Non-Emergency Invasive Physical Examinations and Screenings:

A. In addition to the screenings listed above, the District may, from time to time, require students to undergo additional non-emergency, invasive physical examination(s)/screening(s).

B. A non-emergency, invasive physical examination or screening is defined as:

1. any medical examination that involves the exposure of private body parts; or

2. any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening; and

3. is required as a condition of attendance, administered by the school and scheduled by the school in advance; and

4. is not necessary to protect the immediate health and safety of the student, or of other students.

C. If the district elects to conduct any such examinations, then, at the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to conduct the non-emergency invasive physical examination(s) and/or screening(s) described in this subsection. Such notice shall include the specific or approximate dates during the school year of the administration of such non-emergency invasive physical examination(s)/screening(s).

D. Upon request, the administration shall permit parents or students over the age of eighteen (18) (or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

IX. School Representative to Receive Information Concerning Health Assessments:

The Board designates School Nurse as the representative for receipt of reports from health care providers concerning student health assessments and oral health assessments.

Legal References:

State Law:

Connecticut General Statutes:

§ 10-206	Health assessments
§ 10-206a	Free health assessments
§ 10-206d	Oral health assessments
§ 10-208	Exemption from examination or treatment
§ 10-209	Records not to be public. Provision of reports to schools
§ 10-214	Vision, audiometric and postural screenings: When required; notification of parents re defects; record of results

Public Act No. 26-1, "An Act Concerning the Reallocation of Certain State Funds and Various Provisions Relating to the Education, Public Safety, General Government, Elections, Intermediate Care Facilities and Warehouse Distribution Centers."

Public Act No. 26-13, "An Act Concerning Various Revisions to the Public Health Statutes."

State of Connecticut Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, Cumulative Health Records Guidelines (Revised Jan. 2012), https://portal.ct.gov/-/media/SDE/School-Nursing/Publications/CHR_guidelines.pdf

Federal Law:

Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Public Law 114-95, at 20 U.S.C. §§ 1232h(c)(2)(C)(iii) and 1232h(c)(6)(B).

Regulation approved: June 20, 2023
Regulation revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

SAMPLE
NOTICE OF FREE ORAL HEALTH ASSESSMENT

The New Milford Public Schools (the "District") shall hold a free oral health assessment event for students on _____ ***[insert date and time of event]*** at your student's school. The oral health assessment shall consist of ***[insert one of the following options depending on the professional staffing the oral health assessment event: (1) a dental examination by a dentist OR (2) a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse.]*** The practitioner conducting the oral health assessment shall indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma. No student shall receive dental treatment of any kind as part of the free oral health assessment event.

This event is free of charge. You may be present during the oral health assessment of your student, if you so wish. When, based on the results of the assessment and in the judgment of school health personnel, your student is in need of further testing or treatment, you will be notified by the District.

You may elect for your student not to participate in the free oral health assessment event. **If you do not want your student to participate, you must sign the form below and return that section of the form to _____ by _____. If you fail to return the form by this date, you have consented to the free oral health assessment and your student will participate. If your student does not participate in the school's event, you will be asked to provide documentation that your student has received an oral health assessment, in accordance with state law.**

If you have questions or concerns regarding the free oral health assessment event, please contact _____.

FREE ORAL HEALTH ASSESSMENT EVENT - _____ *[insert date of event]*

Name of student: _____ Student's Date of Birth: _____

Student's Address: _____

Parent/Guardian Name (print): _____

As the parent/guardian of the above-named student, I elect for my student to not participate in the free oral health assessment. I understand that I will be asked by school officials to provide documentation that my student has received an oral health assessment by a qualified professional. I further understand that this "opt-out" is effective only for the free oral health assessment event being held on the date listed above.

_____ _____
Parent/Guardian Signature Date